

# Habs

HABERDASHERS'  
ELSTREE SCHOOLS

## Privacy Notice for Parents (including Prospective Parents for Students)

Policy Type	Statutory
Last Review	Summer 2023
Next Review	Summer 2024

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## 1 Introduction

Haberdashers' Elstree Schools (School) is a "data controller". This Privacy Notice (Notice) is to help you understand **how** and **why** we collect personal information about you and **what** we do with that information. It also explains the decisions that you can make about your own information.

When parents sign the acceptance form and their child begins at School, they become subject to the Parent Terms and Conditions. These include the Data Protection Policy and Privacy Notice for Students detailing how the School manages their data and the legal basis used for that processing.

If you have any questions about this Notice, please contact your child's Form Tutor / Chief Operating Officer.

## 2 What is "personal information"?

Personal data means any information that the School holds about an individual who can be directly or indirectly identified in particular by reference to an identifier (i.e. any data that can be linked to an individual).

The School may also record your child's religion or ethnic group. CCTV, photos and video recordings of your child are also personal information.

## 3 What data do we collect?

The personal data that the Admissions department collects may consist of, but not limited to:

For the candidate:

- Name
- Date of birth
- Ethnicity
- Address details
- Feeder and previous schools' information
- Information on siblings (if given)
- School report(s) and confidential reference(s)
- Reports from extracurricular activities and/or tutors (if relevant)
- Past, present, and prospective Students' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks
- Educational psychologist report (if relevant and shared with the school)
- Medical reports (if relevant)
- Special health/food/allergies requirements (if relevant)
- Bursary application details (we do not hold the financial information)
- Test results (internal and external)
- Interview comments/results
- Passport information (and visa information if requires visa)
- Guardian/agent details (name, address, email and telephone number)

- References given or received by the School about Students, and relevant information provided by previous educational establishments and/or other professionals or organisation working with Students
- Correspondence with and concerning staff, Students and Parents' past and present.

For the Parents:

- Name
- Address, email, telephone numbers
- Ethnicity
- Occupation
- Marital status
- Details of any connection with Haberdashers' Elstree School
- Details, if required, of parental responsibility that you may have given us when originally enquiring about the School, at the time of registration, or subsequently
- Data about prospective parents and children will usually be collected directly from you but some data may be collected from third parties (for example previous schools, confidential references).
- Bank details and other financial information provided for the administration of bursary applications e.g. about parents or family members who pay fees to the School

## 4 Our legal basis for using your information

The legal basis for holding your data is 'legitimate interest'. The School needs your personal data in order to successfully manage and administer the admissions process. Sensitive personal data is sometimes collected and generally held in order to protect you or your child's vital interests, safeguard your child or as a result of legal obligation. We will also ask for specific consent at the time of registration or initial expression of interest to send you future information about the School (prospectuses, upcoming events such as open days, newsletters etc).

### 4.1 Legitimate interests

#### 4.1.1 *Existing Parents*

This means that the School is using your information when this is necessary for the School's legitimate interests except when your interests and fundamental rights override our legitimate interests.

Specifically, the School has a legitimate interest in:

- providing educational services to your child and to other children
- safeguarding and promoting the welfare of your child, other children and our employees
- promoting the objects and interests of the School. This includes fundraising and using photographs of you at our School events in promotional material. It also includes making sure that we are able to enforce our rights against you, for example, so that we can contact you if unpaid School fees are due
- using your information in connection with legal disputes, for example, if you or your child bring a claim against the School
- protecting the School's reputation
- facilitating the efficient operation of the School

- ensuring that all relevant legal obligations of the School are complied with, for example, in relation to inspections
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's IT policies
- 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 Students

#### **4.1.2 Prospective Parents and Students**

In addition to the legitimate interests set out in 4.1.1, for prospective parents and students, the School has legitimate interest in, but not limited to:

- confirming the identity of prospective Students and their parents
- communicating and promoting the School's admission events and activities (that you have consented to)
- advising you about next steps in the application programme
- receiving information and references about prospective Students
- assessing the suitability of prospective students

In addition, your personal information may be processed for the legitimate interests of others, for example, another school will have a legitimate interest in knowing if you have not paid School fees that are due to us.

#### **4.2 Necessary for contract**

We will need to use your information in order to perform our obligations under our contract with you and for you to perform your obligations as well, for example, we need your name and contact details so that we can update you on your child's progress and so that we can contact you if there is a concern.

#### **4.3 Legal obligation**

Where the School needs to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

#### **4.4 Vital interests**

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else, for example, if you or they are seriously hurt.

#### **4.5 Performance of a task carried out in the public interest (or carrying out public tasks)**

The following are examples of when we use your information to perform tasks in the public interest:

- providing your child with an education

- safeguarding and promoting your welfare, your child's welfare and the welfare of other children
- facilitating the efficient operation of the School and
- ensuring that we comply with all of our legal obligations.

#### **4.6 Special categories of personal information**

The School must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation.

##### *4.6.1 Substantial public interest*

The School is also allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in section 3.5 above.

##### *4.6.2 Social protection and social security laws*

Also, the School may use your information to comply with social protection law, for example, to look after your child, and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

##### *4.6.3 Vital interests*

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else, for example, if you or they are seriously hurt.

##### *4.6.4 Legal claims*

We are allowed to use your information if this is necessary in relation to legal claims, for example, this allows us to share information with our legal advisors and insurers.

## **5 How and why does the School use personal information?**

We set out below examples of the different ways in which we use personal information and where this personal information comes from:

- we will have information about any family circumstances which might affect your child's welfare or happiness. This is to help us provide appropriate care and support to your child
- we will need information about any court orders or criminal petitions which relate to you. This is so that we can safeguard the welfare and wellbeing of your child and the other pupils at the School
- we use CCTV to make sure the School site is safe. Images captured of you via CCTV will be your personal information. CCTV is not used in private areas such as toilets
- if there is a complaint or grievance made to the School which involves you then we will use your information in connection with that complaint or grievance

- the School may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your child's Statement of Special Educational Needs or Education Health and Care Plan
- where appropriate, the School will have information about your religious beliefs and practices, for example, if you do not eat certain foods
- we may take photographs or videos of you at School events to use on social media and on the School website. This is to show prospective parents and pupils what we do here and to advertise the School. We may continue to use these photographs and videos after your child has left the School
- we will send you information to keep you up to date with what is happening at the School, for example, by sending you information about events and activities taking place (including fundraising events) and the School newsletter
- we will keep details of your address when your child leaves the School so we can send you news about the School and find out how your child is progressing. We may also pass your details onto the School's alumni organisation
- we may use information about you if we need this for historical research purposes or for statistical purposes, for example, if we consider the information might be useful if someone wanted to write a book about the School
- we may use your information when ensuring network and information security, for example, our anti-virus software might scan files containing information about you
- we can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes, for example, if we consider the information might be useful if someone wanted to write a book about the School
- we will process financial information about you in relation to the payment of fees. In some cases, we get information about you from third parties such as credit reference agencies or from your child's previous school(s):
  - we will hold information about bankruptcy petitions and statutory demands, where relevant
  - we may search the files of any licensed credit reference agency in order to verify your identity. This also allows us to assess your application for the award of a bursary or for credit in contemplation of an agreement for the deferment of fees. The credit reference agency will keep a record of that search and details about your application. This record will be seen by other organisations which make searches about you
  - we may share your information with debt recovery suppliers if you do not pay any School fees owed to the School.

Failure to supply information may result in a refusal of an award or credit.

Images of Students and occasionally other individuals engaging in school activities, and images captures by the school's CCTV system (in accordance with the School's policy on Taking, Storing and Using Images of Students and the CCTV Policy).

## **6 Sharing personal information with third parties**

- In accordance with our legal obligations, we will share information with local authorities, the Independent Schools Inspectorate and the Department for Education, for example, where we have any safeguarding concerns or to comply with our legal obligations.

- On occasion, we may need to share your information with the police for the prevention and investigation of crime and the prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations.
- We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School.
- In certain circumstances, we may also need to share information with our legal advisers for the purpose of obtaining legal advice.
- Occasionally we may use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly, for example, our accountants. We will share your information with them if this is relevant to their work.
- If your child is not of British nationality, we have to make sure that your child has the right to study in the UK. Sometimes the government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about you to UK Visas and Immigration to comply with our duties as a Tier 4 sponsor.
- The School is a charity which means that in exceptional circumstances we may need to share your information with the Charity Commission, for example, in the event of a serious incident.
- We may share information about you with our insurance company, for example, where there is a serious incident at the School.
- If you have unpaid fees, we may share information about this with other schools or educational establishments to which you intend to send your child (*applicable for existing parents only*).
- If your child leaves us to attend another school, we may provide that school with information about you, for example, details of family circumstances if there have been any safeguarding incidents (*applicable for existing parents only*).
- We may share information about you with others in your family, such as another parent or step-parent, for example, where this is part of our obligation to take care of your child, as part of our wider legal and regulatory obligations, or in connection with School fees.
- We may need to share information if there is an emergency, for example, if you are hurt whilst on School premises.
- If you have appointed an agent to act on your behalf, we may share information with them, for example, we may send letters to them so that they can pass these on to you.
- We may send you information about the School before you accept a place for your child, for example, we may send you a copy of the School prospectus.
- If your child has an Education and Health Care Plan (EHCP), we will share information with and obtain information from the local authority about you.
- We may share personal data with trusted third parties who process data on behalf of the School and / or provide services to the School that may involve the processing of personal data. These third parties are not permitted to process the data other than in accordance with our Data Processing Agreement with them, or to share your data with anyone else other than where necessary for the provision of the service to the School or as required by law.
- We sometimes use contractors to handle personal information on our behalf. The following are examples:
  - IT consultants who might access information about you when checking the security of our IT network and
  - we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.



- We obtain information about you from admissions forms and from your child's previous school. We may also get information from professionals such as doctors and from local authorities.

## **7 What decisions can you make about your information?**

Individuals (both Students and Parents) 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.

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 1-2 months longer).

### **7.1 Access**

Parents have the right at any time to ask the School for a copy of the personal information that the School holds on them or their child (Subject Access Request). Where the School has good reason, and if Data Protection Law permits, the School can refuse a request for a copy of personal information, or certain elements of the request. If the School refuses such a request or any element of it, the reasons for doing so will be provided

### **7.2 Right of Correction or Completion**

If personal information we hold about Parents or Students is not accurate, out of date or incomplete, individuals have a right to have the data rectified, updated or completed. 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.

### **7.3 Right of Erasure (Right to be forgotten)**

In certain circumstances parents have the right to request that personal information held by the School about them or their child is erased (e.g if the information is no longer necessary for the purposes for which it was collected or processed or our processing of information was based on consent and there are no other legal grounds on which we may process the information)

### **7.4 Right to Object**

Parents may object to the School using their information where:

- The School is using it for direct marketing purposes (e.g. to send the School newsletter);

- the legal basis on which the School is relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal bases for using your information" above; and
- the School is using it for historical or scientific research purposes or archiving purposes. For example, the School may keep photographs of parents or pupils at a School event for historical reasons.

## **7.5 Right to Data Portability**

In certain instances, data subjects have a right to receive any personal information that the School holds about them in a structured, commonly used and machine-readable format. Data subjects can ask the School to transmit that information to them or directly to a third party organisation.

The above right exists only in respect of personal information that:

- has been provided to the School previously; and
- is processed by the School using automated means.

While the School is happy for such requests to be made, it is not able to guarantee technical compatibility with a third party organisation's systems. The School is also unable to comply with requests that relate to personal information of others without their consent. Any Parent wishing to access or amend their or their child/children's 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 the Chief Operating Officer.

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 30 calendar days in the case of requests for access to information). 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 Parents to reconsider, or require a proportionate fee (but only where Data Protection Law allows it)

## **7.6 Requests that cannot be fulfilled**

Parents should be aware that the right of access is limited to their own/or their child's 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 the School, or documents prepared in connection with a legal action).

The School will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing of parents' or their child's personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice.

All requests will be considered on their own merits.

## **7.7 Consent**

Where the School asks for consent, rather than its legitimate interests, as a means to process personal data, parents can take back this consent at any time. Any use of personal information

before withdrawal of consent remains valid. Parents should contact the Chief Operating Officer if they would like to withdraw any consent given. Examples where the School relies on consent are use of individual images for marketing purposes (literature and social media) and international school trips.

## **8 Criminal office information**

We may only use information relating to criminal convictions and offences where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations or to exercise our rights.

Less commonly, we may use information relating to criminal convictions and offences where it is necessary in relation to legal claims, where it is necessary to protect our pupils and you are not capable of giving your consent, or where you have already made the information public.

## **9 Multiple legal basis**

As you will see from this Notice, in some cases we will rely on more than one basis above for a particular use of your information. In addition, we may move from one of the legal basis listed above to another as circumstances change, for example, as a safeguarding matter becomes more serious, we may start to rely on legal obligation to share personal information with the local authority in addition to the other legal basis which are noted for safeguarding purposes.

## **10 Sending information to other countries**

In certain circumstances, we may send your information to countries which do not have the same level of protection for personal information as there is in the UK, for example, we may store your information on cloud computer storage based overseas.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here:

[https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

If the country that we are sending your information to is not on the list or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this Notice. If you have any questions about the safeguards that are in place, please contact the Chief Operating Officer.

## **11 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. Parents must notify the School Secretary 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 data or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law).

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

## **12 For how long do we keep your information?**

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. Typically, the legal recommendation for how long to keep Student 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 Chief Operating Officer. 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.

Please see the School's guidance on Retention of Data and Erasure of Personal Information Policy for more detailed information.

## **13 Further information**

The Chief Operating Officer is the person responsible at our School for managing how we look after personal information and deciding how it is shared.

Like other organisations we need to keep your information safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the information we get fairly.

This Notice is to explain how we use your personal information. The Chief Operating Officer can answer any questions which you may have.

This Notice does not, and is not intended to, give you any rights which you did not already have, for example, it does not give you any additional contractual rights.

Please speak to the Chief Operating Officer if:

- you require more information about your data protection rights
- you object to us using your information for marketing purposes, for example, to send you information about School events. We will stop using your information for marketing purposes if you tell us not to
- you would like us to update the information we hold about you or
- you would prefer that certain information is kept confidential.

If you fail to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates).

If you consider that we have not acted properly when using your personal information, you can contact the Information Commissioner's Office – [www.ico.org.uk](http://www.ico.org.uk).