

## Abbot's Hill School - Privacy Notice

**This Privacy Notice is applicable to all members of the school and nursery community (past and present). A simplified version is available for pupils as an Appendix to this notice.**

This Privacy Notice takes account of relevant laws and regulations including:

- The UK General Data Protection Regulation
- The Data Protection Act 2018
- The Privacy and Electronic Communications Regulations 2003 (as amended) (PECR)
- The Protection of Freedoms Act 2012 (biometrics and CCTV)

### 1. Who we are

- 1.1 Abbot's Hill Limited operating as Abbot's Hill School, based at Bunkers Lane, Hemel Hempstead HP3 8RP (Registered Charity number 311053) is the school's "data controller" for the purposes of data protection legislation. The school is registered with the Information Commissioner's Officer ("ICO") under the reference number Z5766966.

### 2. What this privacy notice is for

- 2.1 This policy is intended to provide information about how and why the school will collect personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents") and what we do with that data.

- 2.2 This information is provided because data protection legislation gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice to understand the school's obligations to its entire community and the decisions individuals can make about their own data.

- 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 or paper form.

- 2.4 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 Image Authorisation Policy (which includes the Guidance on the use of Photographs and Videos of Pupils by the school);
- the school's Data Protection policy (which includes CCTV and biometrics);
- the school's Data Retention Policy;
- the school's Safeguarding and Child Protection and Health and Safety Policies, including as to how concerns or incidents are recorded; and
- the school's ICT policies, including its Online Safety Policy (which includes Acceptable Use Agreements).



- 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 which also provides further information about how personal data about those individuals will be used.

### 3. Responsibility for Data Protection

- 3.1 The school has appointed the Bursar as the Data Protection Lead ("DPL") and the ICT Network Manager as the Data Compliance Officer ("DCO"). There is no legal requirement for the school to appoint a Data Protection Officer.
- 3.2 The Bursar will deal with all your requests and enquiries concerning the school's uses of your personal data (see section on Your Rights below) and, in conjunction with the DCO, endeavour to ensure that all personal data is processed in compliance with this policy and data protection legislation.
- 3.3 The Bursar can be contacted via the following email address: [pabursar@abbotshill.herts.sch.uk](mailto:pabursar@abbotshill.herts.sch.uk) or by telephone on 01442 839107.

### 4. Why the school needs to process personal data

- 4.1 Personal data is information that identifies a person as an individual and which relates to him / her. Please see also the section below titled "Types of Personal Data Processed by the School".
- 4.2 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 current, past and prospective staff, pupils or parents) as part of its daily operation.
- 4.3 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.
- 4.4 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.
- 4.5 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);
  - To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress, welfare and educational needs;
  - Maintaining relationships with alumni and the school community, 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;
- 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;
- To give and receive information and references about past, current and prospective 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 enforce our rights against parents under our contract with them, for example, in relation to unpaid school fees;
- 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;
- To monitor (as appropriate) use of the school's ICT and communications systems in accordance with the school's ICT Acceptable Use Agreements;
- 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 Image Authorisation Policy;
- For security purposes, including biometrics and CCTV in accordance with the school's Data Protection Policy;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process;
- To provide employment and training for staff, and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

4.6 In addition, the school will on occasion need to process **special category personal data**.

4.7 These special categories include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric information, or information about sexual life or orientation 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 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;
- To run any of its systems that operate on biometric data, such as for security in the Nursery;
- 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.

## **5. Types of personal data processed by the school**

5.1 This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- biometric information, which will be collected and used by the school in accordance with the school's Data Protection Policy;
- bank details and other financial information, e.g. about parents who pay fees to the school;
- identification documentation from parents (e.g. a copy of a driving licence or passport) for anti-money laundering reasons and to assist with the collection of unpaid fees;
- other financial information collected from parents or from third parties such as licensed credit reference agencies or a pupil's previous school or from publically available sources such as Companies House or Zoopla;
- 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 including information about medical treatment, 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; 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 Data Protection Policies);



## 6. How the school collects data

- 6.1 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).
- 6.2 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.

## 7. Who has access to personal data and who the school shares it with

- 7.1 Occasionally, the school will need to share personal information relating to its community with third parties, such as:
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
  - debt collection agents (for the purpose of recovering unpaid school fees)
  - government authorities (e.g. HMRC, DfE, police or the local authority);
  - appropriate regulatory bodies e.g. NCTL, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner); and
  - education software providers and examination boards.
- 7.2 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:
- medical records held and accessed only by the School Nurse and other appropriate staff, or otherwise in accordance with express consent; and
  - pastoral or safeguarding files.
- 7.3 However, 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.
- 7.4 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.
- 7.5 Finally, in accordance with data protection legislation, 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.



## 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 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.
- 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 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.
- 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

- 9.1 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.
- 9.2 Unless the relevant individual objects, the school will also:
- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the school community, such as the AHSPA (parents' association) and AHOGA (alumni association);
  - Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for the school and, where appropriate, other worthy causes;
  - Should you wish to limit or object to any such use, or would like further information about them, please contact the Bursar 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).

## 10. Your rights

### Rights of access, etc.

- 10.1 Individuals have various rights under data protection legislation to access and understand personal data about them held by the school, and in some cases ask for it to be deleted or rectified or have it transferred to others, or for the school to stop processing it – but subject to certain exemptions and limitations.



- 10.2 Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Bursar.
- 10.3 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 one month in the case of requests for access to information).
- 10.4 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 legislation allows it).

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

- 10.5 You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the school, or documents prepared in connection with a legal action).
- 10.6 The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the school itself for the purposes of the education, training or employment of any individual.
- 10.7 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 legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

### **Pupil requests**

- 10.8 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.
- 10.9 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.
- 10.10 Pupils aged 12 and above 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.

## **Parental requests, etc.**

- 10.11 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.
- 10.12 Parents will in general receive educational and pastoral updates about their children. 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 including the express wishes of the child.
- 10.13 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**

- 10.14 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 do rely on consent include biometrics, 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.
- 10.15 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?**

- 10.16 The rights under data protection legislation 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).
- 10.17 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.



10.18 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.

10.19 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.

10.20 All relevant parties are required to respect the personal data and privacy of others, and to comply with the Data Protection Policy. Current pupils, visitors and staff are required to read and adhere to the school's ICT, Online Safety (including Acceptable Use) and associated codes of conduct. Staff are also under a professional duty to abide by the Safe Working Practice 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 Database Manager via the school Office (or the HR Officer for staff; or the Marketing Executive for Alumni; or the Bursar for Governors) 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 legislation): please see above for details of why the school may need to process your data, of who you may contact if you disagree.

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 policy and their duties under data protection legislation and receive relevant training.

## **12. This policy**

12.1 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 policy should be directed to the Bursar using the following contact details:



[pabursar@abbotshill.herts.sch.uk](mailto:pabursar@abbotshill.herts.sch.uk) or by telephone on 01442 839107.

13.2 If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with data protection legislation, they should utilise the school 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.

## Signed

Issue Date: May 2019

Review Date: May 2022 or earlier if major change

Mrs Kathryn Gorman

**Head**



## APPENDIX

### Privacy notice for pupils

You have a legal right to be informed about how our school uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to you where we are processing your personal data.

This privacy notice explains how we collect, store and use personal data about you. We, Abbot's Hill School, are the 'data controller' for the purposes of data protection legislation.

Our Data Protection Lead is the Bursar, Mrs Korniczky. (see "Contact us" below).

### The personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

This information includes:

- Your contact details
- Your test results
- Your attendance records
- Your characteristics, like your ethnic background or any special educational needs
- Any medical conditions you have
- Details of any behaviour issues or exclusions
- Photographs
- CCTV images

### Why we use this data

We use this data to help run the school, including to:

- Get in touch with you and your parents when we need to
- Check how you are doing in examinations and work out whether you or your teachers need any extra help
- Track how well the school as a whole is performing
- Look after your health and wellbeing

### Our legal basis for using this data

We will only collect and use your information when the law allows us to. Most often, we will use your information where:

- We need to comply with the law
- We need to use it to carry out a task in the public interest (in order to provide you with an education)
- The School has a legitimate interest (i.e. where it is necessary for the school's legitimate interests)



Sometimes, we may also use your personal information where:

- You, or your parents/guardians have given us permission to use it in a certain way
- We need to protect your interests (or someone else's interest)

Where we have got permission to use your data, you or your parents/guardians may withdraw this at any time. We will make this clear when we ask for permission, and explain how to go about withdrawing consent.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds which mean we can use your data.

## **Collecting this information**

While in most cases you, or your parents/guardians, must provide the personal information we need to collect, there are some occasions when you can choose whether or not to provide the data.

We will always tell you if it is optional. If you must provide the data, we will explain what might happen if you don't.

## **How we store this data**

We will keep personal information about you while you are a pupil at our school. We may also keep it after you have left the school, where we are required to by law.

We have a Record Retention Policy which sets out how long we must keep information about pupils. If you wish, you can request a copy from the Bursar.

## **Data sharing**

We do not share personal information about you with anyone outside the school without permission from you or your parents/guardians, unless the law and our policies allow us to do so.

Where it is legally required, or necessary for another reason allowed under data protection legislation, we may share personal information about you with:

- Our local authority – to meet our legal duties to share certain information with it, such as concerns about pupils' safety and exclusions
- The Department for Education (a government department)
- Your family and representatives
- Educators and examining bodies
- Our regulator (the organisation or "watchdog" that supervises us), e.g. the Independent Schools Inspectorate
- Suppliers and service providers – so that they can provide the services we have contracted them for
- Financial organisations
- Central and local government
- Our auditors
- Survey and research organisations
- Health authorities



- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies

## **National Pupil Database**

We are required to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

The Department for Education may share information from the database with other organisations which promote children's education or wellbeing in England. These organisations must agree to strict terms and conditions about how they will use your data.

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

## **Transferring data overseas**

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, if we 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: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

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 privacy notice. If you have any questions about the safeguards that are in place please contact the Bursar.



## Your rights

### How to access personal information we hold about you

You can find out if we hold any personal information about you, and how we use it, by making a '**subject access request**', as long as we judge that you can properly understand your rights and what they mean.

If we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and using it, and how long we will keep it for
- Explain where we got it from, if not from you or your parents
- Tell you who it has been, or will be, shared with
- Let you know if we are using your data to make any automated decisions (decisions being taken by a computer or machine, rather than by a person)
- Give you a copy of the information

You may also ask us to send your personal information to another organisation electronically in certain circumstances.

If you want to make a request please contact the Bursar.

### Your other rights over your data

You have other rights over how your personal data is used and kept safe, including the right to:

- Say that you don't want it to be used if this would cause, or is causing, harm or distress
- Stop it being used to send you marketing materials
- Say that you don't want it used to make automated decisions (decisions made by a computer or machine, rather than by a person)
- Have it corrected, deleted or destroyed if it is wrong, or restrict our use of it
- Claim compensation if the data protection rules are broken and this harms you in some way

### Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we have done something wrong.

You can make a complaint at any time by contacting the Bursar.

You can also complain to the Information Commissioner's Office in one of the following ways:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact the Bursar.