



## HOLMEWOOD HOUSE SCHOOL

### PRIVACY NOTICE

**This Privacy Notice complies with all relevant and recent Data Protection Laws as enshrined in the UK Data Protection Act 2018 and the General Data Protection Regulation May 2018.**

#### **ABOUT THIS POLICY**

Data Protection Law gives individuals rights to understand how their data is used. The Privacy Notice explains how we fulfil our statutory obligations as we collect, store and use or "process" personal data about individuals including: staff and school governors, current, past and prospective pupils, their parents, or guardians. Additionally, the Privacy Notice applies to individuals attending the school's clubs, holiday courses and swim schools.

It applies in addition to the school's terms and conditions and any other information the school may provide about a particular use of personal data including:

- Any contract between the school and its staff or the parents of pupils;
- The school's policy on Taking, Storing and Using Images of Children;
- The school's CCTV Policy
- The school's Retention of Records Policy;
- The school's Safeguarding and Child Protection Policy, Anti-Bullying and Behaviour Policy, Health and Safety Policy, including how concerns or incidents are recorded;
- The school's IT policies, including the Acceptable Use Policy and eSafety policy,

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should be aware of and comply with this Privacy Notice and also the school's Data Protection policy, which provides non-statutory guidance about the key data protection principles and gives clear procedures for staff and governors when handling personal data.

Staff, under their professional duties, and pupils are required to respect the personal data and privacy of others, and to comply with the school's policy on Taking, Storing and Using Images of Children the eSafety Policy, IT Acceptable Use Policy, Safeguarding and Child Protection Policy, CCTV Policy, and the staff Code of Conduct.

## RESPONSIBILITY FOR DATA PROTECTION

We, **Holmewood House School** are the 'data controller' for the purposes of **Data Protection Law**. In accordance with the UK Data Protection Act 2018 Holmewood House School has notified the Information Commissioner's office of its processing activities. The school's ICO registration number is Z586359X and its registered address in Langton green, Tunbridge Wells, Kent, TN30EB.

The school has appointed the **Bursar, Mr Ed Dix Perkin as the Head of Data Protection (HODP)** who will deal with all your requests and enquiries concerning the school's use of your personal data and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

## TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

Categories of personal data that we collect, hold and share include, but is not restricted to:

- Contact details, contact preferences, dates of birth, addresses, telephone numbers, e-mail addresses, identification documents;
- Characteristics, such as ethnic background;
- Details of any medical conditions, including physical and mental health;
- Bank details and other financial information, e.g. about parents who pay fees to the school, and for staff salary purposes;
- Past, present and prospective pupils' attendance, disciplinary, admissions and academic records (including information about any additional special needs), results of internal assessments and externally set tests;
- Exclusion information;
- Personnel files, including in connection with academic results, 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 pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- Correspondence with and concerning staff, pupils and parents past and present;
- Images of pupils (and occasionally other individuals) engaging in school activities;
- CCTV images captured in school; and
- Car details about those who use our car parking facilities;

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

## WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

As part of its daily operation 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.

Some of this activity will enable the school to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the school's **legitimate interests**, or the legitimate interests of another. Careful consideration will be given to the use of the data and the sensitivity of the information held.

The following uses fall into the category of **legitimate interests** at Holmewood House:

- To safeguard pupils' welfare and provide appropriate pastoral care;
- To support pupil learning and monitor pupil progress and educational needs;
- To provide educational services (including SEN), and extra-curricular activities to pupils including sports matches,
- To monitor use of the school's IT and communications systems in accordance with the school's IT acceptable use policy;
- To make use of photographic images of pupils in accordance with the school's policy on taking, storing and using images of children;
- 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;
- For the purposes of pupil selection, and to confirm the identity of prospective pupils and their parents;
- For security purposes, including CCTV in accordance with the school's CCTV policy;
- Maintaining relationships with the school community, including Form Reps, Friends of Holmewood and alumni for direct marketing or fundraising purposes;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background
- 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 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;
- To comply with the law regarding data sharing.

It may also be necessary to process **special category personal data** (concerning health, ethnicity, religion) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- To safeguard pupils' welfare and provide appropriate pastoral and or medical care including during boarding activities.
- 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 insurance purposes, for medical advice, social protection, safeguarding, and cooperation with police or social services.
- 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 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.

## **HOW THE SCHOOL COLLECTS DATA**

Whilst the majority of information we collect is mandatory and received directly from parents and staff, there is some information that can be provided voluntarily. This may be via a form, or simply in the ordinary course of day to day communication such as email or written assessments.

In a small number of 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.

## **KEEPING IN TOUCH AND SUPPORTING THE SCHOOL**

The school will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the school, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. 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 Friends of Holmewood.
- Contact parents and/or alumni including via the Friends of Holmewood 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 school HODP 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).

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

For the most part, personal data collected by the school will remain within the school, and will be processed by appropriate individuals 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 which are held securely and accessed only by the Medical Centre staff, or in accordance with express consent; and
- Pastoral or safeguarding files.

Information to support the education, care and well-being of pupils, including those with SEND, may be shared with staff via 3SYS as well as through direct communication (email, written reports) from teachers and the Learning Support team.

Pastoral notes for access by teaching staff may also be viewed on the PASS / 3SYS system pupil data base. This may include notes following meetings with parents, observations by staff and outcomes or strategies tried.

Staff, pupils and parents are reminded of the duty to record or report incidents and concerns that arise or are reported 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 (using the green forms), and in some cases referrals to relevant authorities such as the LADO or police. Please refer to Keeping Children Safe in Education and our own guidance in the school's Safeguarding and Child Protection Policy.

Occasionally, where legally required or necessary (and complies with Data Protection Law) we may share personal information relating to its community with third parties, such as:

- Professional advisers (e.g. lawyers, insurers, auditors, PR advisers and accountants);
- Government authorities (e.g. HMRC, DfE, police or the local authority); and
- Appropriate regulatory bodies (e.g. the Independent Schools Inspectorate, NCTL, the Charity Commission or the Information Commissioner).

Finally, in accordance with Data Protection Law, 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.

## **HOW WE STORE THIS DATA**

The school will retain personal data securely for as long as 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.

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").

Details of information and records that are kept by the school and for how long may be found in the Records Retention Policy.

## **TRANSFERRING DATA INTERNATIONALLY**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with Data Protection Law.

## **INDUCTION AND TRAINING**

Staff will be made fully aware of the Data Protection Law in so far as it pertains to their professional duties. Information will be given at induction with updates and training provided to keep staff informed of relevant changes.

## **DATA ACCURACY AND SECURITY**

The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the HODP of any significant changes to information held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected subject to certain exemptions and limitations under Data Protection Law and may do so by contacting the HODP in writing.

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.

## **TRAINING**

All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

## **THE PRIVACY NOTICE AND YOUR RIGHTS**

### **Requesting access to your personal data**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the school, and in some cases ask for it to be erased or amended or have it transferred to others, or for the school to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to 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 HODP.

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).

The school will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

Parents can make a request with respect to their child's' data where the child is not considered mature enough to understand their rights over their own data (usually from the age of 13), or where the child has provided consent.

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make such a request please contact the HODP.

### **Parental requests**

All information requests from, on behalf of, or concerning pupils – whether made under subject access or simply as an incidental request – will be considered on a case by case basis.

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.

## **Pupil requests**

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.

Pupils aged 13 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, for example those in the Prep School, may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

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.

A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

## **Requests that cannot be fulfilled**

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).

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.

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 legitimate interest identified in the Privacy Notice. All such requests will be considered on their own merits.

## **Consent**

Where the school is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above).

Please be aware however that the school may not be relying on consent but have another lawful reason to process the personal data in question even without your consent. That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

## **Whose rights?**

The rights under Data Protection Law belong to the individual to whom the data relates. However, the school will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the school relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek the pupil's consent. 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, for example, in the interests of safeguarding and individual.

In general, the school will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in the school's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the school may be under an obligation to maintain confidentiality unless, in the school's opinion, there is a good reason to do otherwise; for example where the school believes disclosure will be in the best interests of the pupil or other pupils, or if required by law. Please refer to the school's Safeguarding Policy.

## **THIS POLICY**

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.

## **QUERIES**

Any comments or queries on this privacy notice should be directed to the HODP. If an individual believes that the school has not complied with this privacy notice or acted otherwise in accordance with Data Protection Law, they should utilise the school complaints procedures.

Further information regarding current data protection and privacy law may be found at the Information Commissioner's Office at <https://ico.org.uk/concerns/>