

DATA PROTECTION AND PRIVACY STATEMENT

INTRODUCTION

Notting Hill Prep School operates within a multi-lateral regulatory framework which includes, inter alia, legislation surrounding the safety and wellbeing of its pupils, the requirement to maintain educational standards, the employment and other rights of its staff and, increasingly, the right of its stakeholders in relation to their privacy and personal data.

Data Protection Law gives individuals rights to understand how their data is used and processed. Accordingly we would like to explain the principles of how the school will use or process the personal data relating to its staff, its current, past and prospective pupils and their parents, (taken to include carers and guardians). Issues surrounding Data Protection and rights to privacy exist in many aspects of the school and its operation. These are addressed in a number of the School's Policies including notably:

- The Data Protection Policy
- The Document Retention Policy
- The Information Security Policy
- The Staff IT Acceptable Use Policy
- The eSafeguarding Policy
- The CCTV Policy
- The Use of Photography or video recordings policy, as set out the Parents' Handbook

This Policy operates in conjunction with the other School Policies; staff, parents, and pupils are encouraged to read this document and other relevant policies.

The school may provide additional information relating to its use in specific data collection exercises.

RESPONSIBILITY FOR DATA PROTECTION

The School has appointed the Bursar as the Privacy Officer who will deal with all your requests and enquiries concerning the school's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law. The Privacy Officer can be contacted on 020 7221 0727 or by e-mailing admin@nottinghillprep.com.

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

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.

The school will need to carry out some of this activity in order 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, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

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 and educational needs;
- Maintaining relationships with alumni and the school community;
- 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 enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- 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 IT and communications systems in accordance with the school's eSafeguarding policy;
- 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 Use of Photography or video recordings policy, as set out the Parents' Handbook;
- For security purposes, including CCTV in accordance with the school's CCTV policy;
- 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, the school will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) 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 special educational needs (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.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include by way of example:

- Names, addresses, telephone numbers, e-mail addresses and other contact details;
- 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 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 Use of Photography or video recordings policy, as set out the Parents' Handbook, and the CCTV Policy);

HOW THE SCHOOL COLLECTS DATA

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).

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. In some cases other data are added, including, but not limited to, information about partners, financial and other data disclosed to us or which we have derived from public records and publicly-available sources of information.

HOW PERSONAL DATA IS PROCESSED BY NHP AND WHO HAS ACCESS TO YOUR PERSONAL DATA

Access to personal data is restricted to those members of staff on a need to know basis, and is held under lock and key or controlled through password protection and user security profiles. All NHP staff that are given access to personal data have a duty to maintain confidentiality under GDPR.

Access to special category data is restricted to key personnel. For example:-

- Medical records in paper format are held under lock and key in pupil files and are accessed only by authorised staff. However, under the School's Health and Safety policies, critical Medical Registers including allergies etc. are distributed in designated rooms throughout the School accessible but folded so critical information is available in emergencies;
- Safeguarding files are restricted to the Head, the Designated Safeguarding Lead (DSL) and deputy DSLs;

- Information regarding pastoral concerns and safeguarding and child protection concerns is carefully restricted to key staff with specific pupil responsibilities. However, such information may be shared confidentially with other members of staff on a 'need to know' basis;
- Learning support information, which may include special category data, is shared with SEN staff in the context of providing the necessary care and education that the pupil requires;

However, information regarding pastoral concerns and safeguarding and child protection concerns may be shared confidentially with other members of staff on a 'need to know' basis.

Learning support information, which may include special category data, is shared in part with staff in the context of providing the necessary care and education that the pupil requires.

WITH WHOM DOES NHP SHARE DATA?

Personal data is never sold to third parties.

Data is shared with the NHP Alumni Association for legitimate interest purposes.

There may be occasions, such as pupils changing schools, when we will need to share personal information with the organisation concerned and with other relevant bodies. Occasionally the school will need to share personal information relating to its community with 3rd parties, such as professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority)

Information about employees may also be disclosed where required by law, or in connection with legal proceedings, or for the prevention/detection of crime, or assessment/collection of tax.

The school is required to disclose some personal data to the Department of Education.

If you have registered to attend an event organised by the school or the Parents Association, the school may share a list of attendee names with participants.

NHP may share personal data with third party organisations which carry out contracts on behalf of the school (such as a venue hosting a school event), but will only share that data which is relevant and proportionate. Should a safeguarding issue arise, personal data may be shared after consultation with the Designated Safeguarding Lead.

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 PERSONAL DATA IS STORED BY NHP

Personal data is stored electronically in the school's IT Systems and, in some instances, in paper record. Paper record special category data and higher category sensitive information is kept under lock and key.

HOW LONG PERSONAL DATA IS HELD BY NHP

NHP has a data retention policy. Please note that this is subject to periodical revision and the current moratorium – applicable to all schools - on the destruction of files (International Inquiry into Child Sexual Abuse) means data is being retained that would otherwise have been destroyed. If you have any specific queries or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Privacy 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.

A limited and reasonable amount of information will be kept for archiving purposes. 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"). For further details, please view the school's Document Retention Policy.

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. 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 school's Parent Associations and the NHP Alumni Association. If necessary, depending on the use of such data, the School will first obtain consent of the relevant parents and/or alumni
- Contact parents and/or alumni, including via the organisations above, by post and email in order to promote and raise funds for the school
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the school's fundraising potential

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).

YOUR RIGHTS

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 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, should email their request to the Privacy 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 one month (from May 2018) in the case of Subject Access Requests. The school will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, the school may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The school is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the school for the purposes of the education, training or employment of any individual.

Pupils aged 13 or over have the same rights as adults over their personal data and may submit their own Subject Access Requests. A Subject Access Request from a student under the age of 13 may be considered if, in the opinion of the school, the student is of sufficient maturity. More usually, a person with parental responsibility will generally be expected to make a Subject Access Request on behalf of younger pupils. However, the information in question is always considered to be the child's at law. A pupil of any age may ask a parent or other representative to make a Subject Access Request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. All Subject Access Requests from pupils will therefore be considered on a case by case basis.

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 have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this or another related School Policy, 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 has been requested).

The rights under Data Protection Law belong to the individual to whom the data relates. However, the school will often rely on parental consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on 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.

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 pupils' activities, progress and behaviour, and in the interests of pupils' welfare, 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.

Pupils are required to respect the personal data and privacy of others, and to comply with the school's Acceptable Use Policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

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 school 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 or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the school may need to process your data and whom you may contact if you disagree.

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 Law.

THIS POLICY

The school will update this Policy from time to time.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Privacy Officer, by e-mailing admin@nottinghillprep.com or ringing the school on 020 7221 0727.

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school's complaints procedure and should also notify the Privacy Officer. 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.

RELEVANT LEGISLATION

This Privacy Notice is covered by the relevant Data Protection Legislation, as follows:

- General Data Protection Regulation (EU 2016/679)
- The UK Data Protection Act 2018 (to follow)
- The Privacy and Electronic Communications Regulations 2011
- The Protection of Freedoms Act 2012

Last Updated: 29 May 2018