



# Privacy Notice

Policy date:	February 2024
Date of next review:	February 2025
Owner:	Chief Operating Officer
SLT committee to review:	SLT
Intended audience:	All
Location:	School Portal and website

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## 1. Introduction

- 1.1. Haileybury College (“the School”) processes personal data and it is therefore a data controller for the purposes of relevant data protection law. The School takes its responsibilities in relation to personal data seriously and is committed to ensuring that whenever personal data is used, it is done in accordance with the law.
- 1.2. The School is a registered charity (number 310013). It is also responsible for Haileybury Enterprises Limited, a trading company owned wholly by the School. For the purposes of this policy “the School” applies to the School, its trading company, and any other subsidiaries it may have in the future.
- 1.3. The person with lead responsibility for data protection at the School is the Chief Operating Officer.

## 2. What is this policy for?

- 2.1. This policy is intended to provide information about how the School will collect, use and hold (or “process”) personal data about individuals including current, past and prospective pupils; their parents, carers or guardians (referred to in this document as “parents”); our staff; some third parties such as our neighbours (local residents) and our contractors.
  - Members of staff, governors, volunteers and job applicants are also directed to a more detailed Staff Privacy Notice relating to employment and HR, which can be found on the ‘Working at Haileybury’ page of our website [here](#).
  - Alumni (Old Haileyburians or OHs) are directed to a more detailed Alumni Privacy Notice, which can be found on the policies page of our website [here](#).
- 2.2. This information is provided because data protection law gives individuals rights to understand how their data is processed and this Privacy Notice sets out how we will use that information and what your rights are in respect of the data we hold about you. Pupils, parents and staff are all encouraged to read this Privacy Notice and understand the School’s obligations to its entire community.
- 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:
  - the School’s terms and conditions;
  - any policies or notices applicable to staff concerning the handling of personal data;
  - the School’s Taking, Storing and Using Images of Children Policy;
  - the School’s CCTV Policy;
  - the School’s Data Retention Policy;
  - the School’s Safeguarding and Child Protection Policy, and its policies relating to health and safety and accident reporting, including as to how concerns or incidents are recorded; and
  - the School’s ICT Acceptable Use Policy, and Social Media Policy.

### 3. Responsibility for data protection

- 3.1. The School has appointed the Chief Operating Officer as its data protection lead who will deal with any 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.
- 3.2. The Chief Operating Officer can be contacted as follows:

By telephone: 01992 706 216

By email: [dataprotection@haileybury.com](mailto:dataprotection@haileybury.com)

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

- 4.1. In order to carry out our ordinary duties to pupils, parents, staff and others, the School needs to process a wide range of personal data about our community as part of our daily operations. Some of this activity the School will need to carry out in order to fulfil its legal rights, duties or obligations towards its pupils, parents or staff.
- 4.2. 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.
- 4.3. 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, to confirm the identity of prospective pupils and their parents, and retain a record if appropriate for the purposes of future applications.
  - To carry out credit, identity and source of funds checks, whether with previous schools and/or third party sources or service providers, including for the purposes of verifying that parents are not subject to (or within the purview of) sanctions.
  - 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, including where such services are provided remotely (either temporarily or permanently).
  - To report to and liaise with parents about their child's progress, welfare and development including by way of regular reports and parents' evenings.
  - To organise and manage meetings, events and social engagements for pupils and parents.
  - To safeguard pupils' health and welfare and provide appropriate pastoral care.
  - To give and receive information and references about past and current 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 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 monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's ICT Acceptable Use Policy.
  - To make use of photographic images of pupils in school publications, on the School's website and (where appropriate) on the School's social media channels for example, posting images of sports matches including individual and team photos, images of school

music or drama performances and other school events. Please note, however, that if we would like to use a photograph or video in a more unusual or high profile way (e.g. on a banner or as part of a national campaign), we will speak to the pupil and their parent or guardian first.

- To make use of photographs or video internally for educational purposes (e.g. recording drama lessons or performances, recording sports activities, and recording other lessons).
- For security purposes, including CCTV in accordance with the School's CCTV Policy;
- For regulatory record keeping and compliance purposes in respect of immigration requirements, as an employer and/or visa sponsor.
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process.
- To maintain relationships with alumni and the school community generally, including direct marketing or fundraising activity.
- For fundraising purposes (which may include wealth screening - see below) and 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.
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

4.4. 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 Disclosure and Barring Service (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 or to support a pupil in their observance of their religious beliefs.
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans, and in a pastoral, complaint or disciplinary context.
- 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.
- For legal and regulatory purposes (for example child protection, diversity monitoring, health and safety and immigration or visa sponsorship compliance) 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, email addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents (or others) who pay fees to the School, and any anti-money laundering information required to be collected by law;
- information received in the context of bursary or scholarship applications;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- nationality and other immigration status information (e.g. right to work or study), including copies of passport information – as a holder of student sponsor status the School will hold full copies of passports and other relevant identification or immigration documentation;
- 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, and images captured by the School's CCTV system;
- staff employment records e.g. terms of employment and training, development, safeguarding and performance review records, and information received during the recruitment of staff including references, qualifications and employment history.

## 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. **Processing by third parties.** 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). However, some functions may be outsourced from time to time. In accordance with data protection law, this type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the School's specific directions.
- 7.2. **Data sharing.** Occasionally, the School – including its trustees/governors – will need to share personal information relating to its community with third parties, such as:

- the Haileybury Parents' Association (HPA) – if you are a parent and a member of the HPA, the School may share your contact details with the HPA (the HPA will be a separate data controller and the School is not responsible for the HPA's processing of personal data);
- appropriate contractors, such as visiting music teachers;
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- examination boards;
- the processing of parent or pupil information when a complaint is raised under the School's Complaints Procedures that can include Stage 3 complaints panel hearings, which will include independent panel members;
- third parties and their advisers in the event of a possible or actual sale, merger or other restructuring of the School; and
- government authorities (e.g. HM Revenue and Customs (HMRC), Department for Education (DfE), Children and Family Court Advisory and Support Service (CAFCASS), the police, Home Office, a relevant public health/NHS body and/or local authority, the Health and Safety Executive) and/or appropriate regulatory bodies e.g. the Joint Council for Qualifications (JCQ), the [Teaching Regulation Agency](#), the [Independent Schools Inspectorate](#), and the [Charity Commission](#).

7.3. **Wealth screening.** Occasionally the School's Development Office may use wealth screening services that analyse publicly available data about potential donors to create a profile of interests and preferences so that they can focus their communications about fundraising and volunteering in the most effective way. If you would prefer us not to use your data in this way or if you have enquiries about this, please contact Amy Ledingham, Director of Development at [a.ledingham@haileybury.com](mailto:a.ledingham@haileybury.com).

## 8. Access to, and sharing of, sensitive data

- 8.1. Particularly strict rules of access apply in the context of "special category" data, most notably:
- medical records; and
  - pastoral or safeguarding files.
- 8.2. **Medical data.** The School needs to process such information to comply with statutory duties and to keep pupils and others safe, but the School will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for school trips or for catering purposes. Express consent will be sought where appropriate.
- 8.3. 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.
- 8.4. **Safeguarding data.** Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#) or 'KCSIE') 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, low-level concerns records kept about adults (which may include references to pupils or family members), and in some cases referrals to relevant authorities such as the Local Authority Designated Officer (LADO), Children's Services, Child and Adolescent Mental Health Services (CAMHS) or the police.

- 8.5. KCSIE also requires that, whenever a child leaves the School to join another school or college, his or her child protection file is promptly provided to the new organisation, along with any other information which the School's Designated Safeguarding Lead considers material to the ongoing care needs of any pupil. Where appropriate, the School will consult with parents as to how these needs are best served, but ultimately the decision as to what information is necessary to share with the new school or college is a safeguarding question that must be reserved to the School. The School will retain a copy of the child protection file in accordance with its retention policy for material related to safeguarding matters.
- 8.6. For further information about this, please see the School's Safeguarding and Child Protection Policy and the Data Retention Policy.

## **9. How long the School keeps personal data**

- 9.1. 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 pupil and staff 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. The independent inquiry into child sexual abuse (IICSA) has emphasised the need to keep some types of pupil records indefinitely. Please see the School's Data Retention Policy for further information.
- 9.2. 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 Chief Operating Officer at [dataprotection@haileybury.com](mailto:dataprotection@haileybury.com). However, please bear in mind that the School will often have lawful and necessary reasons to retain certain personal data even following such a request.
- 9.3. A limited and reasonable amount of information will be kept for archiving purposes. For example, even where you have requested the School no longer keep in touch with you, it will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

## **10. Keeping in touch and supporting the School**

- 10.1. 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. 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.
  - Contact parents and/or alumni by post and email in order to promote and raise funds for the School and, where appropriate, other worthy causes.
  - Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the School's fundraising potential (please see the School's Privacy Notice for Alumni for further information).
- 10.2. Should you wish to limit or object to any such use, or would like further information, please contact the Chief Operating Officer by email at [dataprotection@haileybury.com](mailto:dataprotection@haileybury.com). 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).



## 11. Your rights

11.1. You have the following rights:

- to obtain access to, and copies of, the personal data that we hold about you;
- to require us to correct the personal data we hold about you if it is incorrect;
- to require us (in certain circumstances) to erase your personal data;
- to request that we restrict our data processing activities (and, where our processing is based on your consent, you may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal);
- to receive from us the personal data we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller;
- to object, on grounds relating to your particular situation, to any of our particular processing activities where you feel this has a disproportionate impact on your rights.

11.2. Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply. The above rights are explained further below.

11.3. Individuals 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.

11.4. 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).

### Rights of access, etc.

11.5. The School will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider, or require a reasonable fee for the administrative costs of complying with the request, or in certain cases refuse the request (but only where data protection law allows it, and in accordance with relevant regulatory guidance).

11.6. If you consider that the personal data held on you is inaccurate, please let the School know. 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 a record may be kept of all parties' viewpoints.

### Right to object

11.7. You have the right to object to us using your personal data where:

- we are using it for direct marketing purposes e.g. wealth screening;
- the lawful basis on which we are relying is legitimate interests or public tasks;
- if we ever use your personal data for scientific or historical research purposes or statistical purposes.

#### Requests that cannot be fulfilled

- 11.8. You should be aware that General Data Protection Regulation (GDPR) rights (including the right of access) are limited to your own personal data, and certain data is exempt. This will include information which identifies other individuals (and parents need to be aware this may include their own children in certain limited situations, 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, or where a duty of confidence is owed by a legal adviser).
- 11.9. The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including in mock examination scripts or other types of examinations/tests used to assess performance – although markers' comments may still be disclosable if they constitute pupil personal data). The School is also not required to provide examination or other test marks ahead of their ordinary publication date, nor share any confidential reference held by the School that was (or will be) given for the purposes of the education, training, appointment or employment of any individual.
- 11.10. You may have heard of the "right to be forgotten". However, the School will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing a person's personal data: for example, a legal requirement, or where it falls within a proportionate legitimate interest identified in this Privacy Notice. Generally, if the School still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

#### Requests by or on behalf of pupils

- 11.11. 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. A pupil of any age may ask a parent or other representative to make a subject access request on their behalf.
- 11.12. 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. Requests not considered in the child's best interests may sometimes be refused.
- 11.13. Given their age, pupils at Haileybury 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.

#### Parental requests, etc.

- 11.14. 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.
- 11.15. 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, court orders, or pastoral issues.

- 11.16. 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

- 11.17. 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.
- 11.18. 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?

- 11.19. 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).
- 11.20. 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, either alongside or in place of parental consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights by law or under their contract, and all the circumstances.
- 11.21. 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.
- 11.22. 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.
- 11.23. Pupils are required to respect the personal data and privacy of others, and to comply with the School's ICT Acceptable Use Policy and the School's rules. Staff are under professional duties to do the same, in accordance with the School's Data Protection Policy.

## **12. Data accuracy and security**

- 12.1. 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 notify the School of any significant changes to important information, such as contact details, held about them.
- 12.2. 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 law): please see above for details of why the School may need to process your data, or who you may contact if you disagree.

12.3. 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 law and receive relevant training.

### **13. This policy**

13.1. 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.

### **14. Queries and complaints**

14.1. Any comments or queries on this policy should be directed to the Chief Operating Officer using the following contact details:

Telephone 01992 706 216

Email [dataprotection@haileybury.com](mailto:dataprotection@haileybury.com)

14.2. If a current parent or pupil believes that the School has not complied with this policy or acted otherwise than in accordance with data protection law, they should follow the School's Complaints Procedures; current employees should follow the Grievance Procedure. In all cases the Chief Operating Officer should also be notified on the details above. 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.

<b>Version history</b>		
<b>Date</b>	<b>Reviewed by</b>	<b>Notes</b>
July 2023	Chief Operating Officer	New policy - ISBA template
February 2024	Chief Operating Officer/SLT	Amended in line with updated ISBA template