



### The Hawthorns School – Privacy Notice

Title: Privacy Notice	Responsible: Bursar, Compliance and Privacy Officer
Last reviewed: February 2020	Next Review: May 2021

#### Introduction

This Privacy Notice ("Notice") is intended to provide information about how the The Hawthorns School ("the School") will use (or "process") personal data about individuals including its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this Notice as "parents"). Any reference to staff should be considered to include teaching and non-teaching staff, contractors, visiting music, volunteers, casual workers, service providers, and governors, as well as prospective applicants for roles.

The Governing Body of the School is required to protect all members of the School community's right to privacy in line with the relevant legislation ("Data Protection Law"). The relevant legislation includes the General Data Protection Regulation and the Data Protection Act 2018, as well as other potentially supporting legislation.

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used and shared. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the School's obligations to its entire community.

This 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, and in addition to the School's other relevant policies, (<http://www.hawthorns.com/policies/42.html>) including:

- Any contract between the School and its staff or the parents of pupils;
- the School's [CCTV policy](#);
- the School's [Personal Data Retention Policy](#);
- the School's [Safeguarding](#), [Anti-bullying](#), or [Health and Safety](#) policies, including as to how concerns or incidents are reported or recorded (both by and about staff); and
- the School's [Acceptable Use \(Staff\)](#), [Online Safety](#), [Staff Code of Conduct](#) and [Social Media Communications](#) Policies.

#### Responsibility for Data Protection

- The School has appointed a Compliance and Privacy Officer ([compliance@hawthorns.com](mailto:compliance@hawthorns.com)) 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 Notice and Data Protection Law.
- The Bursar is the responsible member of the School's Leadership Team for Data Protection.
- A governor with oversight of this policy is Rob Buckingham ([Rob.Buckingham@search.co.uk](mailto:Rob.Buckingham@search.co.uk))
- The School entity has been appointed as the Data Controller for the purposes of the legislation.
- You can also contact the School by post to The Hawthorns School, Pendell Court, Bletchingley, Surrey RH1 4QJ or by telephone on 01883 743048.

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

In order to carry out its ordinary duties to staff, pupils and parents, the School may 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. These will be notably in connection with employment, charity law, tax law and accounting, child welfare, for the prevention and detection of crime, and in order to assist with investigations (including criminal investigations) carried out by the police and other competent authorities.

Other uses of personal data will be made in accordance with the School's legitimate interests in running the School in a professional and sustainable manner, 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 data.

The School expects that the following uses may 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, monitoring pupils' progress 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;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law;
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To carry out or cooperate with any school or external complaints, disciplinary or investigatory process
- 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 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 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 school publications, on the school website and (where appropriate) on the School's social media channels in accordance with the School's policy on taking, storing and using images of children;
- For security purposes, including CCTV in accordance with the School's CCTV policy;
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School
- Contacting family members or next of kin for business continuity purposes, to confirm absences etc.

In addition, the School may 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 may include:

- To safeguard pupils' and staff 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 where it is in the individual's interests to do so: for example, for medical advice, social services, insurance purposes or to organisers of school trips;
- 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;
- As part of any School or external complaints, disciplinary or investigation process that involves such data;
- In connection with employment of its staff, for example DBS checks, union membership, welfare or pension plans; 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;
- Where appropriate, information about individuals' health, and contact details for their next of kin;
- Car details (for those who use our car parking facilities);
- 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;
- Correspondence with and concerning staff, pupils and parents past and present;
- Personnel files and personal data captured in the work product(s), notes and correspondence created by staff while employed by or otherwise engaged to work for the School;
- References given or received by the School about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; 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 policy on taking, storing and using images of children and 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, such as when applying to work here, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However, in some cases personal data may be supplied by third parties (for example another school, or other professionals or authorities working with that individual, referees (including previous employers) and DBS)); or collected from publicly available resources.

### **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 age considerations). 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 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).

### **Who has access to personal data and who the School shares it with**

Occasionally, the School will need to share personal information relating to its community with third parties, such as:

- Professional advisers (such as lawyers, insurers and accountants);
- DBS and other relevant authorities and agencies e.g. Department for Education, Teaching Regulation Agency, the Information Commissioner's Office (ICO), Charity Commission and the local authority;
- when the School is legally required to do so (by a court order, government body, law enforcement agency or other authority of competent jurisdiction), for example HM Revenue and Customs or police.

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 appropriate First Aid staff or otherwise in accordance with express consent; and
- pastoral or safeguarding files.



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However, a certain amount of any SEN 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.

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 may 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.

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 long we keep personal data**

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 personnel files is up to seven years following departure and pupil records until they reach the age of 25.

However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. Please see our [Personal Data Retention Policy](#).

If you have any specific queries about how this 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 Compliance and Privacy Officer ([compliance@hawthorns.com](mailto:compliance@hawthorns.com)). However, please bear in mind that the School may have lawful and necessary reasons to hold on to some data.

## **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, based on its legitimate interest to do so. At each point of communication and no less than annually, alumni will be offered both the choice to opt out of receiving any further communications, and a choice as to how any communication is delivered. Unless the relevant individual objects, the School may 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 Old Hawthornians (OH);
- Contact parents and/or alumni (including via the OH) 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 it, please contact the Compliance and 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 may need nonetheless 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. You can find out more about your rights under applicable data protection legislation from the ICO website [www.ico.org.uk](http://www.ico.org.uk).

In brief, 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.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply. The School will endeavour to respond to any such 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 up to another month).

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 Compliance and Privacy Officer.

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.

### **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 (see section Whose Rights below). Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, 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. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. 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, and some older Upper School children may however be sufficiently mature to have a say in this decision.

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

### **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 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.



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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 the pupil's activities, progress and behaviour, and in the interests of the pupil's 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 notify the School Office of any significant changes to important information, such as contact details, held about them.

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.

## **This notice**

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. Hard copies of this Privacy Notice are available from the School Office and an electronic version is on the School website.

## **Cookies**

Cookies are small text files placed on a visitor's computer to "remember" their visit. They are used for all sorts of things from remembering goods in a basket to speeding up the process of leaving blog comments. They are also used by analytics software to give the School important information about visitor numbers, pages viewed and so on. More information about cookies can be found at [www.whatarecookies.com](http://www.whatarecookies.com)

The School uses cookies and similar technologies on its website to improve performance and make visitors' experience better. Traffic log cookies are used to identify which pages are being viewed. This can help the School analyse data about webpage traffic and improve the website in order to tailor it to customer needs. This information is only used for statistical analysis purposes.

Overall, cookies help the School provide visitors with a better website by enabling it to monitor which pages are found useful and which are not. A cookie in no way gives us access to a visitor's computer or any information about the visitor, other than the data that visitors choose to share on the website. None of the cookies are used to record personal data.

Visitors can choose to accept or decline cookies. Most web browsers automatically accept cookies, but browser settings can be modified to decline cookies if preferred. This may prevent visitors from taking full advantage of the website.



Below are shown the cookies that are used in the School's website:

Cookie Name	Purpose and Content
_ga	<b>Type</b> Analytics/performance cookie <b>Purpose</b> Used to distinguish users and sessions when they connect to the website <b>Content</b> Randomly generated number <b>Provider</b> Google Analytics <b>Expiry</b> 2 Years
Hawthorns_pop_*POPUPNAME*	<b>Type</b> Popup management cookie <b>Purpose</b> Used to store whether user has seen a pop-up message <b>Content</b> Randomly generated number <b>Provider</b> Concept4 <b>Expiry</b> 2 Weeks
CFID CFTOKEN	<b>Type</b> Tracking <b>Purpose</b> Used to distinguish users and sessions when they connect to the website <b>Content</b> Randomly generated number <b>Provider</b> ColdFusion <b>Expiry</b> 2 Weeks

#### Queries and complaints

Any comments or queries on this notice should be directed to the Compliance and Privacy Officer.

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 complaints procedure and should also notify the Compliance Officer. An individual may 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.