

## **How We Use Your Information Privacy Notice for Parents (Full)**

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**Orchard Hill College Academy Trust**

November 2020

## Parent Privacy Notice

### Introduction

This Privacy Notice (**Notice**) is to help you understand **how** and **why** the **School** collects and uses your personal data and **what** we do with that information.

The School is part of Orchard Hill College Academy Trust (the **Trust**). Because the Trust runs the School it is ultimately responsible for how the School handles your personal data.

If you have any questions about this notice please talk to your child's form tutor or the Data Protection Officer. GDPR Sentry Limited, Unit 434 Birch Park, Thorp Arch Estate, Wetherby, LS23 7FG, or via the Business Support Partner (Rachael Tucker), [data.protection@ohcat.org](mailto:data.protection@ohcat.org), 020 3897 7002.

### What is "personal data"?

Personal data is information which is about you, from which you can be identified.

This includes your contact details, next of kin and financial information. CCTV images, photos and video recordings of you are also personal data.

### Where we get your personal data from and who we share it with

We obtain your personal data from a number of different sources. We get information from you (e.g. when your child joins the school).

We also get information from other sources such as our teachers, your child, your child's previous schools, other members of your family, other pupils and their parents, as well as from people outside of the Trust such as the local authority.

We will also share information with these people and organisations where appropriate. For example, if you tell us about something which has happened at home, we will share this with your child's teachers if relevant.

### The purposes for which we use your information and the lawful bases

We use your information in order to:

1. teach your child and our other pupils;
2. look after your child and others such as other pupils;
3. enable us to comply with our legal obligations, to assist us regarding the management and operation of the Trust and our schools and to advance and protect our interests, objectives and reputation; and
4. promote what we do. For example, by using photographs in a school prospectus, on our website or in social media.

Our lawful bases for using your personal data are as follows:

- **Public task:** This allows us to use personal data where doing so is necessary in order to perform a task in the public interest. For example, we are performing a task in the public interest when we teach and look after your child.

- **Legal obligation:** We might need to use your information in order to comply with a legal obligation, for example, to report a concern about your child's wellbeing to Children's Services or in relation to inspections. Occasionally we may have a legal obligation to share your personal data with third parties such as the courts, local authorities or the police. More detail of when we will do so is set out below.
- **Vital interests:** In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed or killed.
- **Legitimate interests:** This means that the Trust is using your information where this is necessary for the Trust's legitimate interests or someone else's legitimate interests. Legitimate interests only applies where it is not overridden by your interests, rights and freedoms.
- **Contract:** We will need to use your information in order to perform our obligations under any contract that we have with you and for you to perform your obligations as well. We may also rely on this basis where you have asked us to do something before entering into a contract with us.

### Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your personal data is used, the applicable lawful basis as well as further information about sources and recipients. It does not say anything different to what's set out above but goes into more detail.

We have also used a colour code system so that you can see which basis we are relying on for each of the purposes described at paragraphs below. **LI** means legitimate interests, **CT** means contract, **PI** means public task, **LO** means legal obligation and **VI** means vital interests. So if we have **LO, PI** that means we are relying on both legal obligation and public task for that purpose.

- 1 Our primary reason for using your personal data is to provide educational and pastoral services to your child - **PI**.
- 2 We will use information about you in order to process your application for your child's admission to the school. We obtain information about you from the admissions forms and from your child's previous schools. We also may get information from professionals such as doctors and local authorities - **PI**.
- 3 We will have information about any family circumstances which might affect your child's welfare or happiness. This is to help us provide appropriate care and support to your child - **PI**.
- 4 We will need information about any court orders or criminal petitions which relate to you. This is so that we can safeguard the welfare and wellbeing of your child and the other pupils at our schools - **PI**.
- 5 We use CCTV to make sure the school site is safe, for example entry points to the school. Images captured of you via CCTV will be your personal data. CCTV is not used in private areas such as toilets or changing rooms - **PI**.
  - to safeguard the welfare of pupils, staff and visitors;
  - to protect the College's buildings, pupils, parents, staff and visitors from criminal activity such as theft and vandalism;

- to increase personal safety;
  - to support the protection of property;
  - to aid in the investigation of accidents and incidents and the monitoring of health and safety;
  - to support law enforcement agencies in the reduction, prevention and detection of crime and to assist in the identification, apprehension and potentially prosecution of offenders
- 6 We will use your personal data to take other steps to make sure the school site and buildings are safe, for example, we keep a record of visitors to the school sites at any given time - **PI**, **LO**.
- 7 If there is a complaint or grievance made which involves you then we will use your information in connection with that complaint or grievance - **PI**.
- 8 We may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your child's Education Health and Care Plan - **PI**, **LO**.
- 9 Where appropriate, we will have information about your religious or other beliefs and practices. For example, if you do not eat certain foods - **PI**.
- 10 We will also hold information such as your ethnic group for the purposes of monitoring our obligations under our equality and diversity policy - **PI**, **LO**.
- 11 We may use your personal data in order to help make our schools better, for example, to raise money - **LI** or **PI** depending on the nature and context of the promotion.
- 12 We may take photographs or videos of you at our events to use on social media and on our website. This is to show prospective parents and pupils what we do here and to promote our schools. We may continue to use these photographs and videos of you after your child has left the school - **LI** or **PI** depending on the use of the photographs or videos.
- 13 We will send you information to keep you up to date with what is happening. For example, by sending you information about events and activities taking place (including fundraising events) and the school newsletter - **LI** or **PI**. For more information please see our fundraising and development privacy notice which can be found on the school website.
- 14 We will keep details of your address when your child leaves the school so that we can keep in touch - **LI**.
- 15 We may use your information when ensuring network and information security, for example, our anti-virus software might scan files containing information about you - **PI**.
- 16 We also keep some information indefinitely for archiving purposes (this is known as "archiving in the public interest" under data protection law) and for historical research purposes. Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws - (**LI**, **PI**).
- 17 We may use your information in connection with legal disputes - **PI**, **LO**.
- 18 We will process financial information about you in relation to the payment of things which you have bought from us e.g. tickets for events - **LI**, **CT**.

### Sharing personal data with others

- 19 In accordance with our legal obligations, we will share information with local authorities, Education and Skills Funding Agency, Ofsted and the Department for Education, for example, where we have any safeguarding concerns or to comply with our legal obligations. These organisations may also provide information to us for these purposes - **LO**, **PI**.
- 20 On occasion, we may need to share your information with the police for the prevention and investigation of crime or the apprehension or prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations - **LO**, **PI**.
- 21 We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue - **LO**, **PI**.
- 22 In certain circumstances, we may also need to share information with our legal advisers for the purpose of obtaining legal advice - **PI**.
- 23 Occasionally we may use consultants, experts and other advisors to assist us in fulfilling our obligations and to help run the Trust and our schools properly (e.g. our accountants). We will share your information with them if this is relevant to their work - **PI**.
- 24 We are a charity which means that in exceptional circumstances we may need to share your information with the Education and Skills Funding Agency e.g. in the event of a serious incident - **LO**, **PI**.
- 25 We may share some information with our insurance company to make sure that we have the insurance cover that we need or in connection with an actual or possible claim - **PI**.
- 26 If the Trust is dealing with a request for information, query, complaint or grievance (e.g. from another parent), we may need to share your information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved and trustees - **LI**, **PI**.
- 27 If your child leaves us to attend another school we may provide that school with information about you. For example, details of family circumstances if there have been any safeguarding incidents - **LO**, **PI**.
- 28 We may share information about you with others in your family, such as another parent or step-parent. For example, where this is part of our obligation to take care of your child, as part of our wider legal and regulatory obligations - **PI**.
- 29 We may need to share information if there is an emergency, for example, if you are hurt whilst on school premises - **PI**, **VI**.
- 30 We may send you information before you accept a place for your child. For example, we may send you information about a transition day – **PI**.
- 31 We will share information with and obtain information from the local authority about you in connection with your child’s Education and Health Care Plan (EHCP) - **LO**, **PI**.
- 32 If ever in the future, we are considering restructuring the charity which operates the Trust, we may share your information with the other parties involved and with the relevant professional advisors - **LI**.

- 33 Some of the records that we keep and which contain your personal data may be used by us (or by someone else such as the government) to check that the schools we operate continue to be good schools - **PI**.
- 34 We may share your personal data with the Trustees of the Trust if it concerns something that the Trust needs to tell them about for the purposes set out in this notice, including to enable them to exercise their functions and fulfil their duties as Trustees. For example, if there is a concern involving you or your child or something which affects the running of the school – **LI, PI**.

As you will see from the above, in some cases we will rely on more than one lawful basis above for a particular use of your information. In addition, we may move from one of the lawful basis listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on legal obligation to share personal data with the local authority in addition to the other lawful basis which are noted for safeguarding purposes.

We use contractors to handle personal data on our behalf for the following purposes:

- IT consultants who might access information about you when checking the security of our IT network;
- we use software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils. For example, an app which allows pupils to access homework which has been set by their teachers, or records their progress and achievements; and
- we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on Trust sites.

If you have any questions about any of the above, please speak to the Data Protection

#### More sensitive types of personal data

We have extra obligations in relation to some types of more sensitive personal data. This applies to the following categories of information: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation and information about criminal convictions or offences. When we handle these types of information it will usually be doing so because:

- It is in the substantial public interest to do so, for example, to assist us comply with our safeguarding obligations.
- There will be times when we need to use your information because we are an employer (e.g. we employ teachers). We may also use your information to comply with social protection law (e.g. to look after your child) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.
- To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.
- It is necessary for the establishment, exercise or defence of legal claims. For example, this allows us to share information with our legal advisors and insurers.

## Consent

We may ask for your consent to use your information in certain ways as an alternative to relying on any of the basis above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your personal data you can take back this consent at any time.

Any use of your information before you withdraw your consent remains valid. You can speak to the Data Protection Officer if you would like to withdraw any consent given.

## Sending information to other countries

In certain circumstances, we may send your information to countries which do not have the same level of protection for personal data as there is in the UK. For example, in organising overseas trips.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

If the country that we are sending your information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal data as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Data Protection Officer.

## For how long do we keep your information?

We keep your information for as long as we need to in order to educate and look after your child. We may keep information after your child has left the school and in some cases for a longer time than usual but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Information and Records Retention Policy for more detailed information. This can be obtained from the Data Protection Officer or the school office.

## What decisions can you make about your information?

Data protection legislation gives you a number of rights regarding your information. Your rights are as follows:

- **Correction:** if information we hold about you is incorrect you can ask us to correct it.
- **Access:** you can also ask what information we hold about you and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about you, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the information that we hold about you in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your information to you or to a third party in a format that can be read by computer. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process your information is consent

or contract (please see "Our lawful basis for using your information" above); and (c) the information is being processed by us on computer.

- **Restriction:** you can request that we restrict how we use your personal data.
- **Objection:** you may object to us using your information where:
  - we are using it for direct marketing purposes (e.g. to send you an email about a fundraising opportunity);
  - the lawful basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our lawful basis for using your information" above; and
  - if we ever use your information for scientific or historical research purposes or statistical purposes.

The Data Protection Officer can give you more information about your data protection rights.

### **Further information and guidance**

The Data Protection Officer is the person responsible at our school for managing how we look after personal data and deciding how it is shared.

Like other organisations we need to keep your information safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the information we get fairly.

This privacy notice does not, and is not intended to, give you any rights which you did not already have. For example, it does not give you any contractual rights.

Please speak to the Data Protection Officer if:

- you object to us using your information for marketing purposes e.g. to send you information about school events. We will stop using your information for marketing purposes if you tell us not to; or
- you would like us to update the information we hold about you; or
- you would prefer that certain information is kept confidential.

If you fail to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates). Failing to provide information may also adversely affect the education and care we are able to provide to your child.

You have a right to lodge a complaint with a data protection supervisory authority. The supervisory authority in the UK is the Information Commissioner's Office ([ico.org.uk](https://ico.org.uk)). If you do have any concerns about how we have handled your personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.

Our Data Protection Officer can be contacted by emailing [data.protection@ohcat.org](mailto:data.protection@ohcat.org).