

# HIGHGATE

## Privacy Notice

### 1. This Policy

This Policy is intended to provide information about how the School will use (or “process”) personal data about its current, past and prospective pupils, their parents, carers or guardians (referred to in this policy as “parents”) and other users of the School’s services including members of the schools communities with which Highgate is working in partnership.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Parents and pupils are all encouraged to read this Privacy Notice and understand the School’s obligations to its entire community.

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.

This Policy applies in addition to the School's Terms and Conditions, and any other information the School may provide about a particular use of personal data, including:

- any contract between the School and parents of pupils;
- the School’s *Policy on Taking, Storing and Using Images of Pupils*;
- the School’s *CCTV Policy*;
- the School’s *Records Retention Schedule*;
- the School’s *Records Management Policy*;
- the School's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- *IT Acceptable Use Policy*.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice and the School's *Staff Privacy Notice*, which also provides further information about how personal data about those individuals will be used.

For the purposes of the Data Protection Act 2018 (“the Act”) and the General Data Protection Regulations (“the GDPR”) (together, “Data Protection Law”), the Data Controller is Highgate School, of North Road, London, N6 4AY (“the School”), a registered charity (no.312765).

### 2. Chief Privacy Officer

The School has appointed the Bursar as Chief Privacy Officer (“CPO”), who will endeavour to ensure this Policy is followed, and that all personal data is processed in compliance with

this policy and Data Protection Law. Any requests and enquiries concerning the School's uses of personal data should be directed to [data@highgateschool.org.uk](mailto:data@highgateschool.org.uk).

### **3. Types of Personal Data processed by the School**

The School may process a wide range of personal data as part of its operation, including:

- names, addresses, passport and visa information, telephone numbers, email addresses and other contact details;
- parents' occupations;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- references given or received by the School about pupils, and relevant information provided by parents, previous educational establishments and/or other professionals or organisations working with pupils;
- bank details and other financial information, e.g. about parents who pay fees to the School; and/or parents who complete Financial Assessment documents as part of a Bursary application;
- fitness tests data;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- correspondence with and concerning pupils and parents past and present; and
- images of pupils (and occasionally other individuals) engaging in School activities and other images captured by the School's CCTV system (in accordance with the School's *Policy on Taking, Storing and Using Images of Pupils* and *CCTV Policy*).

This information will generally be collected directly from the person it concerns (and from parents/carers, in the case of younger pupils). 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 it may be supplied by third parties (for example another school or other professionals or authorities working with that individual), or collected from publicly available resources.

The School is a charity which is actively fundraising for a number of projects and wants the whole community to be able to contribute to fundraising at the School, at a level that is appropriate to them. To achieve this, the School may conduct research on prospective fundraising constituents, both parents and former pupils of Highgate (OCs).

### **4. Use of Personal Data by the School**

In order to carry out its ordinary duties to pupils and parents, the School needs to process a wide range of personal data about individuals (including current, past and prospective pupils or parents and partnership teachers, pupils and their parents) as part of its daily operation.

Some of this activity the School will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with 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;
- to confirm the identity of prospective pupils and their parents/carers; and to conduct appropriate checks on the parents/carers of prospective pupils;
- to process the bookings for MSC services/membership;
- to provide education services, including musical education, physical training or spiritual development, career and employability services, and extra-curricular activities to pupils, and to monitor pupils' progress and educational needs;
- to run an effective Partnership Teaching Programme;
- to devise the School's travel plans and optimise the transport provision;
- to maintain relationships with alumni and the School community, including direct marketing or fundraising activity;
- to using Highgate Connect platform to rekindle the OCs lost connections, enhance recent leavers community career prospects and to keep the School's database accurate;
- to evaluate the effectiveness of the Development Office activities;
- for the purposes of donor due diligence, record keeping, accountability (Gift Aid) and to confirm the identity of prospective donors and their background and relevant interests; to help us shape our fundraising activity to the constituent;
- to enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- to give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend, and to provide references to potential employers of past pupils;
- to 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 *IT Acceptable Use Policy*;
- to make use of photographic images of pupils, and examples of pupils' work, 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 Pupils*;
- 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 recover outstanding fees, 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, or sexual life) or criminal records information in accordance with rights or duties imposed on it by law, including as regards safeguarding 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 analyse the pupils' ethnicity and other diversity information in order to monitor equal opportunities provision and promote diversity;
- as part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- for legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

## 5. Sharing Personal Data

For the most part, personal data collected by the School will remain within the school (including where appropriate its governing body), 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 on a secure system (Patient Tracker) and accessed only by the school nurses;
- pastoral or safeguarding files, including Counsellors' records.

However, a certain amount of any pupil's relevant SEN and medical information will need to be provided to staff more widely, including relevant parties involved in Community Projects and Partnership Teaching Programme, in the context of ensuring 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 is likely to 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*.

Low-level concerns are logged and shared with senior Pastoral staff for consideration of appropriate support for pupils. More serious pastoral issues (such as potential safeguarding referrals) are recorded on a secure platform, My Concern, which is only accessible to appropriate staff, such as Designated Safeguarding Leads.

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

- professional advisers (e.g. lawyers, insurers, audit bodies, PR advisers, fundraising consultants and accountants);

- government authorities (e.g. HMRC, DfE, police or the local authority);
- appropriate regulatory bodies (e.g. Teaching Regulation Agency, the Independent Schools Inspectorate, the Charity Commission; Health and Safety Executive; Environmental Health Officers or the Information Commissioner);
- independent panel members under the School's *Complaints Procedure*; and
- Debt-collection agencies.

Additionally, some of the School's processing activity is carried out on its behalf by third parties, such as IT systems, web developers, cloud storage providers, club booking software; ticket selling companies, academic/education providers (e.g. CEM; UOP) or mailing houses and printers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the School's specific directions.

Finally, on occasion, the School is asked to take part in surveys/research by third parties, for example universities, which involve pupils completing questionnaires. These questionnaires (which the pupil would complete themselves) may request personal details such as name, gender, birth date etc. The School gives very careful consideration to whether it agrees to such requests and, wherever possible, consults both pupils and parents/carers prior to the pupils being asked to complete such surveys. The School also makes appropriate enquiries to satisfy itself that personal data will be held in accordance with Data Protection Law.

## **6. Data retention**

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. We hold personal data in accordance with our *Records Management Policy*. It is vital that Highgate's records are managed in a planned and controlled way so that those that are needed as a source of evidence or information are kept for as long as necessary and that those that are no longer needed are destroyed appropriately, ensuring Highgate complies with legislation, regulation or any instructions from authorities/inquiries (e.g. the IICSA). Highgate's Records Retention Schedule sets out the length of time records should be kept and assists in the process of determining efficient ways to create, store, manage and dispose of them. The given retention periods are based on legal and regulatory requirements, best practice and on the School's business and operational needs.

If you have any specific queries about how our Retention Schedule is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact [data@highgateschool.org.uk](mailto:data@highgateschool.org.uk). 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 personal information will be kept for archiving purposes, for example as being of historical value and forming part of the collective memory of the School; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

## 7. Keeping in Touch

The School will use the contact details of parents/carers, 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 may also:

- share personal data about parents/carers and/or alumni, as appropriate, with organisations closely related to the School which have been set up for the purposes of establishing and maintaining relationships with parents/carers and alumni, and promoting the School, such as the Parents' Association, the Friends of Highgate School Society, and the Cholmeleian Society;
- contact parents/carers and alumni (including via the organisations above) by post and email in order to promote and raise funds for the School, to thank them and inform them how their donations have been used and where appropriate, other worthy causes; and
- collect information from publicly available sources about parents, carers and former pupils' occupations 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 please email [data@highgateschool.org.uk](mailto:data@highgateschool.org.uk). 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).

## 8. Rights

- Rights of access, etc.

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

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to [data@highgateschool.org.uk](mailto:data@highgateschool.org.uk).

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. This is one month, but we may be entitled to take longer (by up to two months) in case of particular complex requests.

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 proportionate fee (but only where Data Protection Law allows it).

- Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the School, or documents prepared in connection with a legal action).

The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the School itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

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

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.

Pupils aged 13 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Slightly younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- Parental requests, etc.

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.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract. 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.

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

Where the School is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware however that the School may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. a 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?

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

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

Pupils are required to respect the personal data and privacy of others, and to comply with the School's *IT Acceptable Use Policy for Pupils* and the School Rules. Staff are under professional duties to do the same covered under the *IT Acceptable Use Policy for Staff*, *Policy on Taking, Storing and Using Images of Pupils* and *Staff Privacy Notice*.

## **9. 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 relevant School Office 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 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 who 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.

## 10. Queries and complaints

Any comments or queries on this Privacy Notice should be directed to [data@highgateschool.org.uk](mailto:data@highgateschool.org.uk).

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 notify the Bursar. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO) ([www.ico.org.uk](http://www.ico.org.uk)), although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.

25 May 2018