

HURLINGHAM SCHOOL AND NURSERY

Privacy Notice

for parents and pupils

How we use your information

September 2023

Reviewed: Sept 2023

Next Review Date: June 2024



1. Introduction

- 1.1 The Hurlingham School Ltd is a Private Limited Company with registration number 03921517 and owns the Hurlingham School at 122 Putney Bridge Road, London SW15 2NQ. Hurlingham Lion House Ltd is a Private Limited Company with registration number 10597665 and owns the Hurlingham Nursery at The Old Methodist Hall, Gwendolen Avenue, London SW15 6EH. The registered address for both companies is 122 Putney Bridge Road, London SW15 2NQ. For the purposes of this privacy notice the School includes the Hurlingham School and the Hurlingham Nursery and but does not include the Hurlingham School Parent Teacher Association which is separate and has charitable status.
- 1.2 This notice is intended to provide information about how the School will use or 'process' personal data about pupils and their parents, carers or guardians (referred to in this notice as 'parents'). It 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. It also applies in addition to the School's Terms and Conditions and relevant policies made available to parents and pupils including any contract between the school and its staff or the parents of pupils, the School's policy on taking, storing and using images of children, the School's use of CCTV, the School's retention of records policy, the School's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and the School's IT policies, including its Acceptable Use policy, Remote Working policy and Bring Your Own Device policy. Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) is made aware of the need to comply with this Privacy Notice and the School's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.
- 1.3 The School is a Data Controller for the purposes of Data Protection Law which means it determines how an individual's data is processed and for what purposes. The Principal is responsible for data protection within the School. She will deal with any requests of enquiries regarding the School's use of your personal data and endeavour to ensure that your personal data is processed in compliance with this notice and Data Protection Law. The Principal can be contacted via email at compliance@hurlinghamschool.co.uk.

2. Why the School needs to process personal data

- 2.1 In order to carry out its ordinary duties to staff, pupils and parents, the School needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation. Some of this processing activity will be necessary in order for the School to fulfil its legal rights, duties and obligations, including those under a contract with its staff, or parents of its pupils.
- 2.2 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.
- 2.3 We expect that the following uses may fall within that category of our or our School 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, school visits and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with parents, pupils and the school community, including direct marketing or fundraising activity;
- 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;
- 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 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 use of CCTV;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

2.4 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 (such as when carrying out DBS checks on parent volunteers) 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;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are 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.

3. Types of personal data processed by the School

3.1 Personal data is information that identifies you as an individual and relates to you. Personal data processed by us will include by way of example:

- names, addresses, telephone numbers, e-mail 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 who pay fees to the school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin or emergency contacts;
- references given or received by the school about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and
- images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the school's CCTV system (in accordance with the school's policy on taking, storing and using images of children);

3.2 We may acquire this personal data in a number of ways. Generally, parents (and in some cases pupils) provide us with personal data about themselves or their family directly. This may be via forms or documents, or in the ordinary course of interaction or communication (eg. During discussions with staff, via email or through screening or assessment carried out by the School). We may also acquire personal data from third parties including other parents and pupils, other schools, other professionals or authorities working with the parent or pupil, from public authorities or from commercial sources.

4. Who has access to personal data and who the school shares it with

4.1 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; and
- pastoral or safeguarding files.

4.2 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.

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

- individuals or organisations such as sports coaches, exam boards, school visit providers, learning and extra-curricular activities undertaken by pupils;
- another organisation, such as a senior school, to which a pupil or ex-pupil has applied and from which a request for a reference or other information about the pupil has been received;
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. [NCTL](#), the [Independent Schools Inspectorate](#), or the Information Commissioner;
- others where required by law or where reasonably necessary for the operation of the School.

- 4.4 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 and Child Protection Policy.
- 4.5 We may send your personal data to other countries, including countries outside the EEA, for example in connection with: obtaining or providing references, organising overseas school visits or communicating with you when you are overseas. Your data may also be stored on computer servers based outside the EEA via cloud services such as those provided by Google or Microsoft 356.
- 4.6 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.

5. Some specific examples

- 5.1 CCTV: we use CCTV recording for the purposes of crime prevention and investigation and also in connection with our obligation to safeguard the welfare of pupils, staff and visitors to our site. CCTV recordings may be disclosed to third parties such as the police but only where such disclosure is in accordance with Data Protection Law.
- 5.2 Photographs: we may use photographs (and occasionally other media such as video or sound recordings) of pupils for education purposes or in our publications, including on the school website or on social media, for marketing and promotion purposes. We may also share photographs and other media with third parties for these purposes (for example, for publication in a local or national newspaper). Additional consent will be sought from parents, pupils or staff if a photograph is particularly privacy intrusive.
- 5.3 Fees: we may make enquiries of pupils' previous schools for confirmation that all sums due and owing to such schools have been paid. We may also inform other schools or educational establishments to which pupils are to be transferred if any of our fees are unpaid.
- 5.4 Keeping in touch: the School will use your contact details to keep you updated about the activities of the School and parent events of interest, including by sending updates and newsletters, by email, in bookbags and by post.
- 5.5 Other: where you have given permission for us to include your contact details, those details will be shared with other parents in your child's class, particularly in connection with the emergency cascade. Form Reps may also use those details to contact you on behalf of the PTA. If you subsequently wish to withdraw permission for your details to be circulated or published, please contact the Admissions Registrar via admissions@hurlinghamschool.co.uk for both the Putney Bridge Road and the Gwendolen Road site, but please note that it will not be possible to amend any forms which have already been circulated.

6. How long we keep personal data

- 6.1 We 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 and pupil personnel 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.
- 6.2 If you have any specific queries about how our 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 Principal in writing (compliance@hurlingham-school.co.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**.
- 6.3 A limited and reasonable amount of information will be kept for archiving purposes, for example; 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. Your Rights under Data Protection Law

- 7.1 You 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.
- 7.2 Information requests: 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 Principal (compliance@hurlingham-school.co.uk).
- 7.3 We will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information). Please note that the school will be better able to respond quickly to smaller, targeted requests for information and to any requests made during term times when the office is fully manned. 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).
- 7.4 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).
- 7.5 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.
- 7.6 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.

- 7.7 Pupils (and ex-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.
- 7.8 Pupils who have left us and are *at Senior School aged e.g. 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 for example pupils in Years 5 and 6* may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.
- 7.9 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.
- 7.10 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.
- 7.11 **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). Examples where we do rely on consent are: e.g. certain types of uses of images and recording ethnicity for the purposes of diversity monitoring. 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. 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).

8. Whose rights?

- 8.1 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).
- 8.2 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. 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.
- 8.3 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.

- 8.4 Pupils are required to respect the personal data and privacy of others, and to comply with the school's relevant policies, e.g. IT: acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

9. Data accuracy and security

- 9.1 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 please notify the Admissions Registrar of any significant changes to important information, such as contact details, held about them.
- 9.2 You have 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).
- 9.3 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 Advisors and Directors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

10. This policy

- 10.1 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.

11. Queries and complaints

- 11.1 Any comments or queries on this policy should be directed to the Principal via compliance@hurlingham-school.co.uk.

If you believe that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, you should notify the Principal in writing via compliance@hurlingham-school.co.uk. You can also use the school Complaints Procedure Policy (available on the School website). You are also entitled to 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.