



B E R K H A M S T E D

— 1541 —

How We Use Your Information Privacy Notice for Older Pupils

Independent Day and Boarding School for Boys and Girls

Berkhamsted Schools Group

November 2023

Introduction

This notice is to help you understand **how** and **why** we collect your personal information and **what** we do with that information. It also explains the decisions that you can make about your own personal information.

If you have any questions about this privacy notice, please talk to your Head of House.

What is "personal information"?

Personal information is information that the School holds about you, and which identifies you.

This includes information such as your name, date of birth and address, as well as things like exam results, medical details, unique pupil number and behaviour records. We may also hold information such as your religion or ethnic group for the purposes of tracking measures of diversity. CCTV, photos and video recordings of you are also personal information.

Our legal bases for using your personal information

This section contains information about the legal bases that we are relying on when handling your personal information.

The two tables below contain a general description of the different legal bases, but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 41 below.

Legitimate interests ("L")

This means that the School is using your information when this is necessary for the School's legitimate interests or someone else's legitimate interests. We won't rely on this basis when your interests and fundamental rights override our legitimate interests. Specifically, the School has a legitimate interest in:

- Providing you with an education and making sure that you are behaving properly.
- Complying with our agreement with your parents for you to be at the School.
- Looking after you, your classmates and our staff (e.g. your teachers).
- Keeping the school buildings safe.
- Making sure that the School is well managed and that we protect the School's reputation.
- Telling people about the School and what we do here e.g. we may use photographs of you in our prospectus, on our website or in our social media.
- Ensuring that all relevant legal obligations of the School are complied with (for example in relation to inspections).
- Using your information in connection with legal disputes.
- Improving the School e.g. if we want to raise money to build new buildings or to make sure that we are providing you and your classmates with a good schooling experience.

In addition your personal information may be processed for the legitimate interests of others. For example, we may use information about you when investigating a complaint made by one of your

fellow pupils.

Legal obligation ("LO")

The School might need to use your information in order to comply with a legal obligation, for example, to report a concern about your wellbeing to Children's Services. We will also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

Vital interests ("VI")

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

Performance of a task carried out in the public interest (or carrying out public tasks) ("PI")

This applies where what we are doing is for the benefit of people generally. The following are examples of where this applies:

- providing you and others with an education;
- safeguarding and promoting your welfare and the welfare of your classmates;
- facilitating the efficient operation of the School; and
- ensuring that we comply with all of our legal obligations.

The School must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation. Trade union membership (e.g. if you are a member because of an apprenticeship) is also a special category of personal information.

Substantial public interest ("SPI")

The School is allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example, the School will use information about your health to look after you. We may also use other types of special category personal data about you to provide you with an education, to look after you and your classmates or when the School is inspected.

Employment and social protection and social security law ("ESP")

There will be times when the School needs to use your information because we are an employer (e.g. we employ your teachers). Also the School will use your information to comply with social protection law (e.g. to look after you) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

Vital interests

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

Legal claims ("LC")

We are allowed to use your information if this is necessary in relation to legal claims. For example, this allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

How and why does the School collect and use your personal information?

We set out below different ways in which we use personal information and where this personal information comes from. The letters highlighted in different colours below refer to the legal bases we are relying on. Please see the section above for an explanation.

1. The School's primary reason for using your personal information is to provide you with an education - LI, PI, SPI.
2. The School will also use your personal information to safeguard and promote your welfare and the welfare of others (for example, so that we can look after you if you are hurt) - LI, PI, SPI, ESP, MP.

Admissions forms give us lots of personal information about you such as your name, contact details, disabilities, any particular difficulties you have with work, hobbies and interests, medical information (such as information about an allergy) and family circumstances. We get information from you, your parents, your teachers and other pupils. Your old school also gives us information about how well you did, and any difficulties you had, so that we can teach and care for you.

Sometimes we get information from your doctors and other professionals where we need this to look after you.

3. We will use information about you during the admissions process e.g. when marking your entrance exams and learning more about you from your parents before you join the School. We may let your old school know if you have been offered a place at the School - LI, PI, SPI.
4. We need to tell the appropriate teachers if you have a health issue - LI, PI, SPI.
5. We will need to tell your teachers if you have special educational needs or need extra help with some tasks - LI, PI, SPI.
6. We will need to share information about you (e.g. about your health and wellbeing) with the School doctor or counsellor - LI, PI, SPI, ESP, MP.
7. If we have information that you suffer from an allergy, we will use this information so that we can look after you - LI, PI, SPI, VI, MP.
8. If we have information that you suffer from a disability, we will use information about that disability to provide support - LI, PI, SPI, ESP and in certain circumstances, MP.
9. Where appropriate, the School will have information about your religious beliefs and practices. For example, if you do not eat certain foods - LI, PI, SPI.
10. We use CCTV to make sure the School site is safe. CCTV is not used in private areas such as changing rooms - LI, PI, SPI.
11. We will be told if you receive free school meals so that we can provide these - LI, PI, SPI.

12. We record your attendance, and if you have time away from the School we record the reason(s) why - LI, PI, SPI.
13. We will need to report some of your information to the government (e.g. the Department for Education). We will need to tell the local authority that you attend the School, if you leave the School or let them know if we have any concerns about your welfare - LI, LO, PI, SPI, ESP.
14. We are legally required to provide the Department for Education (DfE) with certain information about you and your classmates. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about you. But they are only allowed to do this for limited purposes, and they must be very careful about how they use your information. More information can be found here - <https://www.gov.uk/guidance/apply-for-department-for-education-dfe-personal-data> - LO, SPI.
15. 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 at the School - LI, LO, PI, SPI.
16. The School is a charity which means that we may need to share your information with the Charity Commission which checks how we are behaving as a charity - LI, LO, PI, SPI.
17. We will need information about any court orders or criminal matters which relate to you. This is so that we can safeguard your welfare and wellbeing and the other pupils at the School - LI, PI, SPI.
18. If you are from another country, we have to make sure that you have the right to study in the UK. Sometimes the Government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about you to UK Visas and Immigration who are part of the government - LI, LO, PI, SPI.
19. Depending on where you will go when you leave us, we will provide your personal information to other schools, colleges and universities, UCAS or potential employers. For example, we will share information about your exam results and provide references - LI, PI, SPI.
20. We may pass on information to your next school which they need to look after you, for example, information about any concerns we have had about your welfare - LI, LO, PI, SPI, ESP.
21. When you take public examinations (e.g. GCSEs) we will need to share information about you with examination boards. For example, if you require extra time in your exams - LI, PI, SPI.
22. The Learning Records Service (which is part of the government) will give us your unique learning number. We may receive details about you (e.g. your qualifications) from the Learning Records Service - LI, PI, SPI.

23. We will provide your information to a third party so that they can provide careers advice.
We may also share your information with the provider of youth support services - **LI, PI, SPI**.
24. The School is sometimes inspected to make sure that we are continuing to be a good school.
We will have to make your information available to the inspectors to help them to carry out their job - **LI, LO, PI, SPI**.
25. If someone makes a complaint about how the School has behaved, we may need to use your information to deal with this appropriately. For example, if your parents complain that we have not looked after you properly - **LI, PI, SPI**.
26. The School may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your Statement of Special Educational Needs or Education Health and Care Plan - **LI, PI, LO**.
27. We may need to share information about you with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your classmates is injured at School or if there is a burglary - **LI, LO, PI, SPI, LC**.
28. We use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We will share your personal information with them if this is relevant to their work - **LI, PI, SPI**.
29. If you have misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police - **LI, LO, PI, SPI, ESP**.
30. We may share some information with our insurance company to make sure that we have the insurance cover that we need - **LI, PI, SPI, LC**.
31. Parents who are based outside of the UK will sometimes appoint someone to act on their behalf during the admissions process (an overseas agent). If this applies to you, your parents may provide information to the overseas agent so that he or she can pass this on to the School. Will sometimes share information with the overseas agent, for example, we may send them the letter telling your parents that we are offering you a place so that they can pass this on to your parents - **LI**.
32. We will share your academic and (where fair) your behaviour records with your parents or education guardian so they can support your schooling - **LI, PI, SPI**.
33. We will monitor your use of email, the internet and mobile electronic devices e.g. iPads. This monitoring is sometimes carried out using computer software. In certain circumstances we will look at the content of your communications (e.g. emails and text messages). We monitor and look at your use of technology (e.g. your use of your phone) to check that you and your classmates are not misbehaving, at risk of harm or for other good reasons. If you would like more information about this you can read the IT acceptable use policy or speak to your Head of House - **LI, PI, SPI**.

34. We may use photographs or videos of you for the School's website and social media sites or prospectus to show prospective pupils what we do here and to advertise the School. We may continue to use these photographs and videos after you have left the School - **LI**.

35. Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson - **LI**.

If you have concerns about us using photographs or videos of you, please speak to your Head of House.

36. We publish our public exam results, sports fixtures and other news on the website and put articles and photographs in the local news to tell people about what we have been doing - **LI**.

37. We will keep details of your address when you leave so we can send you the Berkhamstedian magazine and find out how you are getting on. We may also pass your details onto the alumni organisation which is called The Old Berkhamstedians. Further information on the alumni association can be found here www.berkhamstedschool.org - **LI**.

38. The School must make sure that our computer network is working well and is secure. This may involve information about you, for example, our anti-virus software might scan files containing information about you - **LI**.

39. We may share your information with the other schools in the group. For example, how well you have behaved and your test results - **LI, PI, SPI**.

40. From time to time, we may use a third party to provide activities such as an external sports coach. We may share your information with them, for example, to tell them what sports you are good at- **LI, PI**

41. We can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the School - **LI**.

We will only share your personal information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- IT consultants who might access information about you when checking the security of our IT network; and
- we use third party "cloud computing" services to store some information, rather than the information being stored on hard drives located on the School site.

If you have any questions about any of the above, please speak to your Head of House.

Criminal offence information

In exceptional circumstances, we may use information about criminal convictions or offences. We will only do this where the law allows us to. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights or to look after our pupils.

More than one basis

As you will see from the information above, in some cases we will rely on more than one basis for a particular use of your personal information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, if we become really worried about your wellbeing, we may start to rely on "legal obligation" to share personal information with the local authority, in addition to the other legal bases which are noted for looking after you.

Consent

We may ask for your consent to use your information in certain ways, as an alternative to relying on any of the bases in the table 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 information, you can withdraw this consent at any time.

Any use of your personal information before you withdraw your consent remains valid. Please speak to your Head of House in the first instance, if you would like to withdraw any consent that you have given.

Sending information to other countries

In certain circumstances, we may send your personal information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we may store your information on cloud computer storage based overseas.

The UK has produced a list of countries which have been formally recognised as having adequate data protection rules, providing the same level of protection, rights and freedoms for individuals over their personal information as provided within the UK.

The list of countries with this formal decision of adequacy can be found on the ICO's website at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/international-transfers-after-uk-exit/>.

If the country that we are sending your information to is not on the list, then it might not have the same level of protection for personal information as there is in the UK, but the School will ensure that appropriate safeguards are in place to allow for such transfers to take place.

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 specific safeguards that are in place, please contact the School's Data Protection Advisor who would be happy to help with any queries.

For how long do we keep your personal information?

We keep your personal information for as long as we need to in order to educate and look after you. We will keep some information after you have left the School, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your information 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.

What decisions can you make about your personal information?

The UK GDPR and the Data Protection Act 2018 give you a number of rights regarding your personal information, which are as follows:

- **Rectification:** if information the School holds 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 (Often Referred to as a "SAR"). 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 personal information to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** our use of information about you may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate, we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your information where:
 - we are using it for direct marketing purposes (e.g. to send you the School magazine);
 - the legal 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 legal bases for using your information" above;
 - we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of your class for historical reasons.

Your Head of House can give you more information about your data protection rights, or you can contact the School's Data Protection Advisor at dataprotection@berkhamsted.com.

Further information and guidance

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

Like other organisations we need to keep your personal 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 personal information we get fairly.

This notice is to explain how we use your personal information. The Data Protection Advisor can answer any questions which you may have and can be contacted by email at dataprotection@berkhamsted.com.

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 additional contractual rights.

Please contact the School's Data protection Advisor if:

- you would like us to update the personal information we hold about you; or
- you would prefer that certain personal information about you 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 your parents; we may also be prevented from complying with our legal obligations.

If you consider that we have not acted properly when using your personal information you can contact the Information Commissioner's Office (ICO). However, the ICO suggest that in the first instance you should raise any concerns or complaints with us, and we would welcome the opportunity to put things right, so please do contact the School's Data Protection Advisor at dataprotection@berkhamsted.com.

If you have any queries or complains please contact our Data Protection Advisor via email at dataprotection@berkhamsted.com, or call them on (01442) 358000.

Should we be unable to address your concerns or complaint about the way we have collected or used your personal information, you should contact the ICO via their website <https://ico.org.uk/make-a-complaint>, or by calling them on (0303) 123 1113.