



Privacy Notice

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Prepared by: SHCC/Ryb

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Authorised by: TZL

Who we are

The Cavendish School Charitable Trust, trading as The Cavendish School, of 31, Inverness Street, London NW1, Registration No. 987480, registered in England, Charity Registration No. 312727 (the 'School') identifies itself as the data controller for the purposes of the relevant legislation (Data Protection Legislation¹).

What this Privacy Notice is for

This Privacy Notice is intended to provide information about how the School will use (or 'process') personal data about individuals including: its staff; its current, past and prospective pupils and their parents, carers or guardians (referred to in this Privacy Notice as 'parents'), Governors, volunteers, visitors and service providers. Collectively, we refer to these individuals as the School's community.

This information is provided because Data Protection Legislation gives individuals rights to understand how their data is used. Staff, parents (for themselves and on behalf of their children), Governors, self-employed individuals; such as specialist teachers and club supervisors, volunteers, visitors, and service providers are all encouraged to read this Privacy Notice and understand the School's obligations to its entire community. The School has a separate Data Protection Policy for Staff.

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 Privacy Notice also applies in addition to the School's other relevant terms and conditions and policies, including:

- Any contract between the School and its staff, including the staff code of conduct, or the parents of pupils
- The School's Taking, Storing and Using Images of Children Policy
- The School's CCTV Policy
- The School's data retention and storage schedule
- The School's Safeguarding and Child Protection Policy, Health and Safety Policy and Behaviour Policy, including how concerns, low level concerns or incidents are recorded
- The School's IT & Acceptable Use Policy and Online Safety Policy

¹ "Data Protection Legislation" means any data protection legislation from time to time in force in the UK including the Data Protection Act 2018 and the UK General Data Protection Regulation (or any successor legislation).

- The School's Social Media Policy

Anyone who works for, or acts on behalf of, the School (including staff, self-employed individuals and club supervisors, volunteers, Governors, visitors, contractors and service providers) should also be aware of and comply with the School's Data Protection Policy for Staff which provides further information about how personal data about those individuals will be used. They will be provided with suitable training commensurate to their role.

Responsibility for data protection

The School has appointed the Head of HR & Compliance as the person with overall responsibility for data protection management. The Head of HR & Compliance will deal with all your requests and enquiries concerning the School's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this Privacy Notice and Data Protection Legislation.

The Head of HR & Compliance may be contacted on hrcomp@cavendish-school.co.uk or 0207 485 1958.

Why the School needs to process personal data

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 activity the School will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or 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 admission, including bursary applications, (and to confirm the identity of prospective pupils and their parents) and to retain a record if appropriate for the purposes of future applications or openings
- To provide education services, including musical education, physical training or spiritual development, and extra-curricular activities to pupils, and monitor pupils' progress and educational needs, including where such services are provided remotely (either temporarily or permanently)
- Maintaining relationships with the school community, including direct marketing
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax)

- 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 and on the School website in accordance with the School's Taking, Storing and Using Images of Children Policy
- For security purposes, including CCTV footage and visitor management system webcam images in accordance with the School's CCTV Policy
- For regulatory record keeping/compliance purposes in respect of immigration requirements, as an employer and/or visa sponsor
- To carry out or co-operate with any School or external complaints, disciplinary or investigation process
- Where otherwise reasonably necessary for the School's purposes, including to 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, sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons 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 co-operation with police or social services, insurance purposes or to caterers or organisers of School educational visits who need to be made aware of dietary requirements
- To provide educational services in the context of any special educational needs of a pupil
- To provide spiritual education in the context of any religious beliefs
- In connection with carrying out the rights and obligations of the School in connection with the employment of its staff, for example DBS checks, welfare 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
- For legal and regulatory purposes (for example child protection, health and safety and immigration/visa sponsorship compliance) and to comply with its legal obligations and duties of care

Types of personal data processed by the School

This will include by way of example:

- Names, addresses, telephone numbers, e-mail addresses and other contact details
- Bank details and other financial information, e.g. about parents or other family members or institutions who pay fees to the School, and any anti-money laundering information we are required to collect by law
- Past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and assessment results and marks
- Personnel files, including in connection with academic background, employment or safeguarding
- Nationality and other immigration status information (e.g. right to work/study), including copies of passport and visa information owing to the School's student sponsor status
- Where appropriate, information about individuals' health and welfare, and contact details for their next of kin
- 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
- Images of pupils (and occasionally other individuals) engaging in school activities (in accordance with the School's Taking, Storing and Using Images of Children Policy)
- Images captured by the School's CCTV system and images of visitors taken by the School's visitor management system webcam (in accordance with the School's CCTV Policy)

How the School collects personal data

Generally, the School receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

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

How the School use cookies on its website

A cookie is a small file which asks permission to be placed on your computer's hard drive when you visit the School's website. If you agree, the file is added. Cookies allow web applications to respond to you as an individual. The web application can then tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

The School uses traffic log cookies to identify which pages are being used. This helps us to analyse data about web page traffic and improve our website in order to tailor it to visitor needs. The School uses this information for statistical analysis purposes and then the data is removed from the system.

Overall, cookies help the School provide visitors with a better website, by enabling us to monitor which pages visitors to the website find useful and which they do not. A cookie does not give the School access to your computer or any information about you, other than the data you choose to share with the School.

You can choose to accept or decline cookies. This may prevent you from taking full advantage of the website.

Who has access to personal data and with whom the School shares it

Processing by third parties

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'). However, some functions are outsourced including, for example, accounting, IT, cloud storage/records management and monitoring. In accordance with Data Protection Legislation, this type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the School's specific directions. The School subscribes to the GDPRiS management system in order to ensure compliance.

Data sharing

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

- Appropriate contractors such as visiting music teachers
- Professional advisers (e.g. lawyers, insurers, and accountants)
- Educational assessment package providers
- The School's bursary screening company
- Stage 3 complaints panels, which will include independent panel members
- Government authorities e.g. HMRC, Companies House, the Department for Education, Children and Family Court Advisory and Support Service, police, Home Office, a relevant public health/NHS body or the local authority
- Appropriate regulatory bodies e.g. the Teaching Regulation Agency, the Independent Schools Inspectorate, The Charity Commission and the Information Commissioner

Access to, and sharing of, sensitive data

Particularly strict rules of access apply in the context of 'special category' data, most notably:

- Medical records
- Pastoral or safeguarding files

Medical data

The School needs to process such information to comply with statutory duties and to keep pupils and others safe, but the School will ensure that only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for educational visits or catering purposes. Express consent will be sought where appropriate.

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.

Safeguarding data

Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance, including *Keeping Children Safe in Education (KCSIE)* 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, which could include low-level concerns records kept about adults (which may include references to pupils or family members), and in some cases referrals to relevant authorities such as the Local Authority Designated Officer, Children's Services, CAMHS or police.

KCSIE also requires that, whenever a pupil leaves the School to join another school, their child protection file is promptly provided to the new organisation, along with any other information which the school's Designated Safeguarding Lead considers material to the ongoing care needs of any pupil. The School will retain a copy of the child protection file in accordance with its retention schedule for material related to safeguarding matters.

For further information about this, please view the School's Safeguarding and Child Protection Policy.

How long we keep personal data

The School will retain personal data securely and only as long it is necessary to keep it 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. The School follows its own data storage and retention schedule, which is based upon the ISBA Retention of Records Guidelines, as its rationale for retention.

If you have any specific queries about how long we keep personal data, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Head of HR & Compliance. 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 a request.

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').

Keeping in touch and supporting the School

The School will use the contact details of parents, and other members of the School community to keep them updated about the activities of the School, or parent events of interest, including by sending updates and newsletters, by email and by post. Past pupils will not be contacted directly. Unless the relevant individual objects, the School will also:

- Share personal data about parents with organisations set up to help establish and maintain relationships with the School community, such as the Friends of The Cavendish
- Contact parents (including via the Friends of The Cavendish) by post and email in order to promote and raise funds for the School and, where appropriate, other worthy causes
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Head of HR & Compliance in writing. 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)

Your rights

Rights of access

Individuals (including pupils) have various rights under Data Protection Legislation 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, should put their request in writing to the Head of HR & Compliance.

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 (which is one month in the case of requests for access to information), but actually fulfilling more complex requests may take one to two months longer.

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 Legislation allows it, and in accordance with relevant regulatory guidance).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, the School will not necessarily delete or amend views, opinions, notes or records purely on the

request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

Requests that cannot be fulfilled

You should be aware that GDPR rights (including the right of access) are limited to your own personal data and certain data is exempt. This will include information which identifies other individuals, (and parents need to be aware that 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, or where a duty of confidence is owed by a legal adviser).

The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers – although markers' comments may still be disclosable if they constitute pupil personal data); provide examination or other test marks ahead of any ordinary publication date; nor share any confidential reference held by the School that was (or will be) given for the purposes of the education, training, appointment 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, legal requirement, or where it falls within a proportionate legitimate interest identified in this Privacy Notice. Generally, if the School still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

Requests by or on behalf of pupils

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 their behalf.

Indeed, while a person with parental responsibility will generally be expected to make a subject access request on behalf of younger pupils, the law still considers the information to be the pupils. For older pupils, the parent making the request may need to evidence their child's authority for the specific request. Requests not considered in the pupil's best interests may sometimes be refused.

Pupils aged 12/13 and above are generally assumed to have this level of maturity, although this will depend on both the pupil and the personal data requested, including any relevant circumstances at home. Slightly younger pupils may 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 without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. 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 pupil, court orders or pastoral issues. Please see also the School's Provision of Information for Parents who are Separated or Divorced Policy and Procedure.

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). Examples where we rely on consent are certain types of uses of images. 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 The Friends of The Cavendish has been requested).

Whose rights

The rights under Data Protection Legislation 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).

Where consent is required, it may be 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 either alongside or in place of parental 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.

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 and any School rules. Staff are under professional duties to do the same covered under the relevant staff policies and procedures including the Data Protection Policy for Staff.

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 promptly notify the Head of HR & Compliance of any changes to important information, such as contact details, held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Legislation): please see above for details of why the School may need to process your data and whom you should 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 the use of technology and devices, and access to School systems. All staff and Governors will be made aware of this Privacy Notice and their duties under Data Protection Legislation and receive relevant training.

This Privacy Notice

The School will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

Queries and complaints

Any comments or queries on this Privacy Notice should be directed to the Head of HR & Compliance on hrcomp@cavendish-school.co.uk or 0207 485 1958.

If an individual believes that the School has not complied with this Privacy Notice or acted otherwise than in accordance with Data Protection Legislation, they should utilise the School's Complaints Procedure or Grievance Procedure as appropriate and should also notify the Head of HR & Compliance. You can also 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.