



Mill Hill

Instilling values, inspiring minds

Grimsdell | Belmont | Mill Hill School | Mill Hill International

Data Protection Policy 2018/19



3. Why the Foundation Needs to Process Personal Data

In order to carry out its ordinary duties to staff, pupils and parents, the Foundation needs to process a wide range of personal data about individuals as part of its daily operations. Some of this activity the Foundation will need to carry out to fulfil the Foundation's 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 legitimate interests of the Foundation or the legitimate interests of another, provided that such interests are not outweighed by the impact on individuals and provided it does not involve special or sensitive types of data.

The Foundation expects that the following uses will fall within that category of it's (or it's 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, career services and extra-curricular activities to pupils and monitoring pupils' progress and educational needs;
- > Maintaining relationships with alumni, and the Foundation community including with its parents' associations, namely the Mill Hill Parents Association, Belmont Parents Association and Grimsdell Parents Association, including direct marketing or fundraising activity;
- > For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background;
- > For the purposes of management, planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- > To enable relevant authorities to monitor the Foundation'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 Foundation;
- > To safeguard pupils' welfare and provide appropriate pastoral care;
- > To monitor (as appropriate) use of the Foundation's IT and communication systems in accordance with the Foundation's use of email, the internet and social media policy, which can be found on the Foundation's website;
- > To make use of photographic images of pupils in the Foundation's publications, on the Foundation's website and, where appropriate on the Foundation's social media channels in accordance with the Foundation's policy/protocol on taking, storing and using images of children;
- > For security purposes, including biometrics and CCTV in accordance with the Foundation's policy/protocol;
- > To carry out or cooperate with any Foundation or external complaints, disciplinary or investigation process; and
- > Where otherwise reasonable necessary for the Foundation's purposes, including to obtain appropriate professional advice and insurance for the Foundation.
- > To assess and make decisions on applications for Scholarships and Bursaries.

In addition, the Foundation will on occasion need to process special category personal data (for example, regarding health, ethnicity, religion or biometrics) 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 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 provide spiritual education in the context of any religious beliefs;



Finally, in accordance with Data Protection Law, some of the Foundation'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 Foundation's specific directions.

7. How long personal data is kept by The Foundation

The Foundation will retain personal data securely and only in line with how long it is necessary to keep the data 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 Foundation. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. For more information, please refer to the Foundation's retention of data policy.

If you have any specific queries about how our retention of data policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Maxine Zeltser, compliance manager, in writing by email on compliance@millhill.org.uk. However, please bear in mind that the Foundation will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested that the Foundation no longer keep in touch with you, the Foundation will need to keep a record of the fact in order to fulfil your wishes (see section on Requests that cannot be fulfilled below).

8. Keeping in touch and supporting The Foundation

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested that the Foundation no longer keep in touch with you, the Foundation will need to keep a record of the fact in order to fulfil your wishes (see section on Requests that cannot be fulfilled below).

> Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the Foundation community, such as the Old Millhillians Club, the Mill Hill Parents Association, Belmont Parents Association and Grimsdell Parents Association;

> Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for the Foundation ;

> Use tools to monitor the effectiveness of our communications with you, including email tracking (which, for example, records when an e-mail from us is opened. From time to time the Foundation might screen your data against publicly available records (for example to find a change of address for a lost alumnus from the electoral roll.

Should you wish to limit or object to any such use, or would like further information about them, please contact the compliance manager, Maxine Zeltser in writing by email. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the Foundation 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).

9. Your Rights

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the Foundation, and in some cases to ask for it to be erased or amended or have it transferred to others, or for the Foundation 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 as to how their personal data is used, should put their request in writing by email to the compliance manager, Maxine Zeltser.

The Foundation 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).

The Foundation will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the Foundation 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 Foundation, or documents prepared in connection with a legal action).



The Foundation 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 Foundation itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, the Foundation will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data such as, for example, to comply with a legal requirement, or where it falls within a legitimate interest identified in this Policy. 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 Foundation, 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. The Senior School will speak to students about their rights under Data Protection Law.

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 Foundation 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. Where parents are separated, the Foundation 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 Foundation 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: for example, biometrics, certain types of uses of images and certain types of fundraising activity. Please be aware however that the Foundation 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).

Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, the Foundation 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 Foundation relying on strict consent (see section on Consent above).

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.

In general, the Foundation 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 Foundation'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 Foundation may be under an obligation to maintain confidentiality unless, in the Foundation's opinion, there is a good reason to do otherwise; for example where the Foundation 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 Foundation's Use of Email the Internet and Social Media Policy and the Foundation rules. Staff are under professional duties to do the same covered under the relevant staff policy.



10. Data Accuracy and Security

The Foundation 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 Foundation 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 or 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 Foundation may need to process your data and of who you may contact if you disagree.

The Foundation 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 Foundation systems. All staff and governors will be made aware of these policies and their duties under Data Protection Law and receive relevant training.

11. This Policy

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

12. Queries and Complaints

Any comments or queries on this Notice should be directed in writing to Maxine Zeltser, the compliance manager, by email on compliance@millhill.org.uk.

If an individual believes that the Foundation has not complied with this Policy or acted otherwise than in accordance with Data Protection Law, they should utilise the Foundation’s policy on Handling Concerns and Complaints from Parents and should also notify Maxine Zeltser in writing by email. 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 Foundation before involving the regulator.

Date:

Ratified by [] committee and signed by the Chair

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Next Review :

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