

MALVERN COLLEGE

Parent Privacy Notice

Introduction

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

If you have any questions about this notice please contact the Data Compliance Officer.

What is "personal information"?

Personal information is information that identifies you as an individual and relates to you.

This includes your contact details, next of kin and financial information.

Our legal bases for using your information

This section contains information about the legal bases that we are relying on when handling your 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 34 below.

Legitimate interests ("L")

This means that the College is using your information when this is necessary for the College's legitimate interests except when your interests and fundamental rights override our legitimate interests.

Specifically, the College has a legitimate interest in:

- providing educational services to your child and to other children;
- safeguarding and promoting the welfare of your child, other children and our employees;
- promoting the objects and interests of the College. This includes fundraising and using photographs of you at our College events in promotional material. It also includes making sure that we are able to enforce our rights against you, for example, so that we can contact you if unpaid College fees are due;
- keeping the College buildings safe;
- using your information in connection with legal disputes. For example, if you or your child bring a claim against the College;
- protecting the College's reputation;
- facilitating the efficient operation of the College; and
- ensuring that all relevant legal obligations of the College are complied with (for example in relation to inspections).

In addition your personal information may be processed for the legitimate interests of others. For example another school will have a legitimate interest in knowing if you have not paid College fees that are due to us.

Necessary for contract ("CT")

We will need to use your information in order to perform our obligations under our contract with you and for you to perform your obligations as well. For example, we need your name and contact details so that we can update you on your child's progress and so that we can contact you if there is a concern.

Legal obligation ("LO")

Where the College needs to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may 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")

The following are examples of when we use your information to perform tasks in the public interest:

- providing your child with an education;
- safeguarding and promoting your welfare, your child's welfare and the welfare of other children;
- facilitating the efficient operation of the College; and
- ensuring that we comply with all of our legal obligations.

The College must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation.

Substantial public interest ("SP")

The College is also 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.

Social protection and social security laws

Also the College may use your information to comply with social protection law (e.g. to look after your child) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

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).

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.

How and why does the College collect and use personal information?

We set out below examples of the 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 College's primary reason for using your personal information is to provide educational services to your child - **LI**, **CT**, **PI**, **SP**.
2. We will have information about any family circumstances which might affect your child's welfare or happiness. This is to help us provide appropriate care and support to your child - **LI**, **CT**, **PI**, **SP**.
3. We will need information about any court orders or criminal petitions which relate to you. This is so that we can safeguard the welfare and wellbeing of your child and the other pupils at the College - **LI**, **CT**, **PI**, **SP**.
4. We use CCTV to make sure the College site is safe. Images captured of you via CCTV will be your personal information. CCTV is not used in private areas such as toilets - **LI**, **CT**, **PI**, **SP**.
5. If there is a complaint or grievance made to the College which involves you then we will use your information in connection with that complaint or grievance - **LI**, **PI**, **SP**.
6. The College may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your child's Statement of Special Educational Needs or Education Health and Care Plan - **LI**, **PI**, **LO**.
7. We may take photographs or videos of you at College events to use on social media and on the College website. This is to show prospective parents and pupils what we do here and to advertise the College. We may continue to use these photographs and videos after your child has left the College - **LI**.
8. We will send you information to keep you up to date with what is happening at the College. For example, by sending you information about events and activities taking place (including fundraising events) and the College newsletter - **LI**.
9. We will keep details of your address when your child leaves the College so we can send you relevant publications and find out how your child is progressing. We will also pass your details onto the alumni organisation which is called The Malvernian Society. Further information on the alumni association can be found here <https://www.malverniansociety.org.uk/> - **LI**.]
10. We may use information about you if we need this for historical research purposes or for statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the College - **LI**.
11. We may use your information when ensuring network and information security, for example, our anti-virus software might scan files containing information about you - **LI**.
12. 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 College - **LI**

Financial information

13. We will process financial information about you in relation to the payment of fees. In some cases we get information about you from third parties such as credit reference agencies or from your child's previous school(s) - LI, CT.
14. We will hold information about bankruptcy petitions and statutory demands, where relevant - LI, CT.
15. We may search the files of any licensed credit reference agency in order to verify your identity. This also allows us to assess your application for the award of a bursary or for credit in contemplation of an agreement for the deferment of fees. The credit reference agency will keep a record of that search and details about your application. This record will be seen by other organisations which make searches about you - LI, CT.
16. We may share your information with debt recovery suppliers if you do not pay any College fees owed to the College - LI, CT.
17. We will obtain information about you from publicly available sources, such as Companies House and Zoopla, to assess your ability to pay College fees - LI, CT.
18. From time to time we use a third party organisation called Bursary Administration Ltd to assist us with our bursary application process. If you apply for a bursary we may share information about you with Bursary Administration Ltd so that they can assess your application - LI, CT.

Failure to supply information may result in a refusal of an award or credit.

Sharing personal information with third parties

19. In accordance with our legal obligations, we will share information with local authorities, the Independent Schools Inspectorate and the Department for Education, for example, where we have any safeguarding concerns or to comply with our legal obligations - LI, LO, PI, SPI.
20. On occasion, we may need to share your information with the police for the prevention and investigation of crime and the prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations - LI, CT, LO, PI, SPI.
21. 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 College - LI, LO, PI, SPI.
22. In certain circumstances, we may also need to share information with our legal advisers for the purpose of obtaining legal advice - LI, LO, PI, SPI, LC.
23. Occasionally we may use consultants, experts and other advisors to assist the College in fulfilling its obligations and to help run the College properly (e.g. our accountants). We will share your information with them if this is relevant to their work - LI, CT, PI, SPI.
24. If your child is not of British nationality we have to make sure that your child has 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 to comply with our duties as a Tier 4 sponsor - LI, CT, LO, PI, SPI.

25. The College is a charity which means that in exceptional circumstances we may need to share your information with the Charity Commission e.g. in the event of a serious incident - LI, LO, PI, SPI.
26. We may share information about you with our insurance company, for example, where there is a serious incident at the College - LI, SPI, LC.
27. If you have unpaid fees we may share information about this with other schools or educational establishments to which you intend to send your child - LI.
28. If your child leaves us to attend another school we may provide that school with information about you. For example, details of family circumstances if there have been any safeguarding incidents - LI, LO.
29. We may share information about you with others in your family, such as another parent or step-parent. For example, where this is part of our obligation to take care of your child, as part of our wider legal and regulatory obligations, or in connection with College fees - LI, PI, SPI.
30. We may need to share information if there is an emergency, for example, if you are hurt whilst on College premises - LI, VI.
31. If you have appointed an agent to act on your behalf, we may share information with them. For example, we may send letters to them so that they can pass these on to you - LI.
32. We may send you information about the College before you accept a place for your child. For example, we may send you a copy of the College prospectus - LI.
33. If your child has an Education and Health Care Plan (EHCP), we will share information with and obtain information from the local authority about you - LO, PI, SPI.

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 the iSAMS Management Information System to store some information. The system is supported and upgraded remotely by iSAMS employees. There is a robust contract of services in place to safeguard the data and maintain confidentiality.

We obtain information about you from admissions forms and from your child's previous school. We may also get information from professionals such as doctors and from local authorities.

Criminal offence information

We may only use information relating to criminal convictions and offences where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations or to exercise our rights.

Less commonly, we may use information relating to criminal convictions and offences where it is necessary in relation to legal claims, where it is necessary to protect our pupils and you are not capable of giving your consent, or where you have already made the information public.

More than one basis

As you will see from this notice, in some cases we will rely on more than one basis above for a particular use of your information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, 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 safeguarding purposes.

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 take back this consent at any time. Any use of your information before you withdraw your consent remains valid. Please speak to the Data Compliance Officer or your child's Housem if you would like to withdraw any consent given.

Sending information to other countries

In certain circumstances, we will send your 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:

- Carry information about you when your child is on a school trip

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

If the country that we are sending your information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

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 safeguards that are in place please contact the Data Compliance Officer or the trip organiser.

For how long do we keep your information?

We keep your information for as long as we need to in order to educate and look after your child. We will keep some information after your child has left the College, 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.

Please see our Information and Records Retention Policy for more detailed information.

What decisions can you make about your information?

From 25 May 2018 data protection legislation gives you a number of rights regarding your information. Some of these are new rights whilst others build on your existing rights. Your rights are as follows:

- **Rectification:** if information the College 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. 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 information to you or to a third party in a format that can be read by computer. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process your information is consent or contract (please see "Our legal bases for using your information" above); and (c) the information is being processed by us on computer.
- **Restriction:** our use of information about you may be restricted 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:
 - a. we are using it for direct marketing purposes (e.g. to send you the College magazine);
 - b. 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; and
 - c. we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of you at a College event for historical reasons.

The Data Compliance Officer can give you more information about your data protection rights.

Further information and guidance

The Data Compliance Officer is the person responsible at our College for managing how we look after personal information and deciding how it is shared.

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

This notice is to explain how we use your personal information. The Data Compliance Officer can answer any questions which you may have.

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 speak to the Data Compliance Officer if:

- you object to us using your information for marketing purposes e.g. to send you information about College events. We will stop using your information for marketing purposes if you tell us not to; or
- you would like us to update the information we hold about you; or

- you would prefer that certain information 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 you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates).

If you consider that we have not acted properly when using your personal information you can contact the Information Commissioner's Office - ico.org.uk.

The Data Compliance Officer can be contacted at dataprotection@malcol.org