



Privacy Notice

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Date of review	June 2022	Date ratified	September 2022
Date of next review	June 2023	Reason for review	Annual Review

## **1. This Privacy Notice**

- 1.1 This Privacy Notice is intended to provide information about how the Hampton School Trust (the "School") will process personal data about individuals including current, past and prospective pupils, and their parents ("parents" means parents, carers and guardians in this Privacy Notice).
- 1.2 Personal data is information about an identifiable individual. Processing is anything that is done to personal data, including collecting, using, storing and sharing.
- 1.3 The School is a Data Controller for the purposes of data protection law.
- 1.4 The Privacy Notice applies in addition to the School's Terms and Conditions, Contracts and any other information the School may provide about a particular use of personal data (e.g. the School's CCTV Policy).
- 1.5 Anyone who works for, or acts on behalf of, the School (including Governors, staff, volunteers, contractors and service providers) should also be aware of and comply with this Privacy Notice. This Privacy Notice also provides further information about how individual personal data will be used. This Privacy Notice covers all forms of personal data processed by the School, including both paper and electronic data.

## **2. Responsibility for Data Protection**

- 2.1 The School Bursar is the senior person with responsibility for data protection matters within the School and is the point of contact for the Information Commissioner's Office (ICO). The Bursar can be contacted by emailing [bursary@hamptonschool.org.uk](mailto:bursary@hamptonschool.org.uk).
- 2.2 The School's data protection responsibilities will be delegated to staff members within the School who have the best knowledge to handle or respond to a given matter.

## **3. How the School Collects Data**

- 3.1 Generally, the School receives personal data from the individual directly or, 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, telephone, in person or written assessments). This will include personal data provided in the course of applications to the School by prospective staff or parents.
- 3.2 However, in some cases personal data may be supplied by third parties (for example another school, other professionals or authorities working with that individual), collected from publicly available resources (such as LinkedIn), or simply generated in the course of ordinary School business by teachers or colleagues of the person in question.
- 3.3 The School also records, collects, monitors, and gathers the personal data of data subjects directly (e.g. via CCTV cameras).

## **4. Types of Personal Data Processed by the School**

- 4.1 Generally speaking, the School processes a number of types of personal data. For more information regarding the personal data that is processed, see the Appendices
- 4.2 The School, from time to time, needs to process special category (sensitive) personal data regarding individuals. Special category personal data includes information about an individual's health, race or ethnic origin, religious or philosophical beliefs, trade union membership, sex life and sexual orientation, genetic data and biometric data. Special

category personal data is given additional protection under the law and will only be processed by the School as permitted by data protection law.

- 4.3 Additionally, the School also processes personal data relating to criminal allegations, proceedings, and convictions.
- 4.4 The School processes biometric data from pupils for the purpose of facilitating an access control system. Parents or pupils may object to this and can refuse consent by sending an email to [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk). This email address can also be used a pupil, or their parent(s) wish to withdraw previously provided consent.

## 5. Use of Personal Data by the School

- 5.1 The School will retain personal data securely and only for as long as it is necessary for a legitimate and lawful reason. Those reasons (purposes) are listed in the Appendices.
- 5.2 The School manages and retains personal data in accordance with its Records Management Policy. This can be found on the School's website under the 'About us' section.
- 5.3 To perform their duties, certain staff members such as Personal Assistants, may have access to senior staff's in-boxes that contain personal data.
- 5.4 Occasionally, the School will share or transfer the personal data it holds with various third parties. In particular:
  - . professional advisers (e.g. lawyers and accountants);
  - . relevant authorities (e.g. HMRC, the Police, or the local authority);
  - . affiliated organisations to help establish and maintain relationships with the School (e.g. the Hampton School's Parents' Association (HSPA), Hampton Holles Boat Club Association (HHBCA), the Hampton School Music Society (HSMS), the Fitzwygram Foundation (FF) and the Old Hamptonians' Association (OHA));
  - . the School's insurance company;
  - . other schools or educational establishments; and
  - . third party service providers/processors.
- 5.5 Wherever possible, all data sharing and data transfers with third parties will be carried out under a written agreement, setting out the scope and limits of the sharing in accordance with legal requirements. Any disclosure of personal data will follow approved procedures.
- 5.6 The School may transfer personal data overseas to facilitate its own processing activities or to share personal data with the third parties listed above. Such transfers will be completed using legally-approved methods to ensure that necessary protections are in place to protect the personal data.
- 5.7 The School will inform individuals how their data is being used either through this Privacy Notice or other relevant notices that may be contained in a form, contract, policy or request for consent.
- 5.8 The School may not inform an individual about the use of their data when the School shares or processes the personal data of individuals under a legal obligation.
- 5.9 See further in Appendix 1 (parents, alumni and the wider school community), Appendix 2 (pupils) and Appendix 3 (staff and job applicants) for further details on how and why the School uses personal data.

## 6. Keeping in Touch and Supporting the School

- 6.1 The School will use the contact details of parents, alumni and other members of the School community to keep them updated about the activities of the School. This will include sending updates and newsletters by email and by post.
- 6.2 The School also processes information from publicly available sources about parents' and former pupils' occupations and activities, for example, via LinkedIn.
- 6.3 Anyone wishing to limit or object to any such use, or seeking further information, should contact [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk).

## 7. Individuals' Rights

- 7.1 Under data protection law individuals have the following rights:
  - . to be informed about how the School processes their personal data;
  - . to request a copy of their personal data
  - . to object to certain processing activities (e.g. direct marketing communications);
  - . to request that the School erase personal data;
  - . to request that the School restricts its data processing activities;
  - . to request that the School transfers the personal data provided by an individual to another organisation or to that individual;
  - . to request that the School updates any personal data which it may hold and which is incorrect/incomplete; and
  - . to not be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning an individual or similarly significantly affects an individual.
- 7.2 The School may be entitled to refuse requests relating to the rights if and when exceptions apply. Please see the School's Data Subject Rights Policy for further details of how the School manages such requests. A copy can be requested by emailing [bursary@hamptonschool.org.uk](mailto:bursary@hamptonschool.org.uk)

## 8. Whose Rights?

- 8.1 The rights under data protection law belong to the individual to whom the data relates. In a data protection context (as distinct from issues of care and education which may be linked to parental consent or agreement by contract), questions of consent are likely to be for the pupil to exercise from secondary school age – depending on the nature of the processing in question, and the pupil's maturity and understanding. Parents should be aware that in such situations they may not need to be consulted, and in some contexts the child's views may take precedence over that of the parent(s).
- 8.2 However, both parents and pupils must be aware that – as a general rule – the School may not need to rely on their consent to process their personal data. Most ordinary activities of the School involving pupil and parent personal data will be necessary, either to fulfil the Parents' Terms and Conditions or in connection with the School's legitimate interests. Other activities, including those relating to Special Educational Needs and Safeguarding, may be necessary in connection with legal obligations placed on the School.
- 8.3 In many contexts, the School will not require a pupil's consent to disclose 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) unless, in the School's opinion, there is a good reason to do otherwise. However:

- where a subject access request is made on a pupil's behalf, the School is required to ensure it is made with the child's authority (if the child is old enough to give it) – please see the Data Subject Rights Policy (see 7.2 above); and
- 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 will seek to maintain confidentiality unless, in the School's opinion, there is a good reason to do otherwise (e.g. where the School believes disclosure will be in the best interests of the pupil or other pupils).

8.4 Pupils, like the School's staff, are required to respect the personal data and privacy of others and to comply with the School's policies. Staff and pupils are reminded of this during INSET sessions and PHSE lessons.

## 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 as accurate as possible. Individuals are responsible for notifying the School of any changes to personal data.
- 9.2 An individual has the right to request that inaccurate personal data be erased or corrected (subject to certain exemptions and limitations under data protection law) and may do so by contacting the School at [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk).
- 9.3 The School will take appropriate technical and organisational measures to ensure the security of personal data about individuals. All members of staff will be made aware of this Privacy Notice, all policies applicable to data protection and IT use, and their duties under the law. Access to personal data is restricted to prevent unauthorised access, modification or misuse. Such access is only granted by the School to authorised staff.
- 9.4 In line with the Records Management Policy and Schedule, the School will take appropriate steps to destroy or erase any data which is no longer required.
- 9.5 All staff are required to use encrypted portable media when transporting School-controlled electronic data. Staff are able to request such media via the IT Services department.
- 9.6 Staff are required to comply with the School's Password Policy (minimum of eight characters, containing three of the following: uppercase character, lowercase character, at least one character that is not alphanumeric).
- 9.7 A process is in place to ensure that any suspected or actual loss of information is handled without undue delay and in line with ICO guidance and data protection law. Anybody who suspects that personal data has been misplaced, must report this immediately following the School's Data Incident and Breach Process.

## 10. For more information about the School's practices or individuals' rights

10.1 Any comments, queries, complaints, or any requests relating to information rights (as described in Section 7) should be directed to the School using the following contact details:

The Bursar  
Hampton School  
Hanworth Road  
Hampton  
Middlesex  
TW12 3HD

Or [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk)

10.2 If an individual believes that the School has not complied with this Privacy Notice or has acted otherwise than in accordance with data protection law, they should utilise the School Complaints Procedure for Parents (which can be found on the School's website).

10.3 If an individual is not satisfied, they may contact the ICO. Information can be found at by calling 0303 123 1113 or by visiting [www.ico.org.uk](http://www.ico.org.uk).

## **11. Updates to the Privacy Notice**

11.1 The School will update this Privacy Notice from time to time. Any substantial changes that affect an individual's rights will be provided directly as far as is reasonably practicable.

## **Appendix 1: Parents, Alumni and the wider School community**

### **Types of personal data processed by the School**

The School processes the following types of personal data:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use the School's 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;
- contact details for next of kin;
- criminal record information;
- references given or received by the School about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- images of individuals engaging in School activities, and images captured by the School's CCTV system (in accordance with the School's CCTV Policy); and
- when individuals visit the School website - IP addresses.

The School also process certain types of sensitive information (called "special category" personal data) when necessary:

- health information recorded by the School's medical staff, by way of medical forms for school trips or admissions data;
- data relating to the School's safeguarding/child protection responsibilities; and
- data relating to individuals' special education needs;

### **Why the School needs to process personal data**

The School processes personal data for the following reasons:

- for the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- maintaining relationships with parents, alumni and the wider School community, including direct marketing or fundraising activities;
- 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 diversity or gender pay gap analysis and taxation records);
- 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; 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 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 policies;
- 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;
- for security purposes, including CCTV in accordance with the School's CCTV policy;
- where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

In addition, the School may need to process **Special Category Personal Data** for the following reasons:

- to safeguard a pupil's 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 where it is in the individual's interests to do so: for example, for medical advice, social services, insurance purposes or to organisers of School trips;
- to provide health services where necessary and appropriate; and
- 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.

## Lawful Bases

Under the UK GDPR, the lawful bases which the School relies on for processing this personal data are:

- consent - the School may ask for consent to use an individual's personal data in certain ways. In situations where the School processes an individual's personal data on the basis of having received consent, the individual is able to withdraw their consent at any time by contacting the following email address [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk)
- where the School has a contractual obligation (such as the Parent's Terms and Condition) with the School), it is permitted to use personal information where it is necessary under that agreement; where it is necessary to fulfil a legal obligation;
- where it is necessary to protect someone's life;
- where it is necessary for the performance of a task carried out in the public interest; and
- where the School has a legitimate interest to do so in order to run the School, meaning a reasonable and obvious use of personal data for a proper purpose.

Additionally, when processing special category data, the School conditions its processing of that personal data on where:

- it has an individual's explicit consent;
- processing is necessary for the purposes of carrying out the obligations and exercising specific rights in the field of employment and social security and social protection law in so far as it is authorised by domestic law or a collective agreement pursuant to domestic law providing for appropriate safeguards for the fundamental rights and interests of the data subject;
- processing is necessary to protect the vital interests of an individual, or another person where the individual is physically or legally incapable of giving consent;
- processing relates to personal data which is manifestly made public by an individual;



- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of domestic law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy domestic law;
- processing is necessary for archiving purposes in the public interest, scientific or historical research or statistical purposes in accordance with legal requirements; and
- processing of the special category data is necessary to provide medical or social care.

### **Sharing or Transferring of Personal Data**

The School may share or transfer personal data as appropriate with partner organisations set up to help establish and maintain relationships with the School community including (not exclusively): the Hampton School Parents' Association (HSPA), Hampton Holles Boat Club Association (HHBCA), Hampton School Music Society (HSMS), the Fitzwygram Foundation (FF) and the Old Hamptonians' Association (OHA).

### **Pupil requests for their data**

Pupils can make data subject rights requests (e.g. subject access requests), as outlined in Section 7 of this Privacy Notice, 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). Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law.

A pupil of any age may ask a parent or other representative to make a subject access request on their behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. Pupils of secondary school age will generally be 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. Younger children may, however, be sufficiently mature to have a say in this decision.

All information requests from, or on behalf of, pupils – whether made under subject access or simply as an incidental request – will be considered on a case by case basis.

## Appendix 2: Pupils

### The categories of information that is collected, used, held and shared by the School are:

- Personal data (such as name, unique pupil number and address);
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility);
- Attendance information (such as sessions attended, number of absences and absence reasons);
- Assessment information;
- Videos/photographs captured by the School's security ("CCTV") cameras.
- Information about participation in School activities;
- Special educational needs information; and
- Exclusions / behavioural information.

The School also handles more sensitive information (called "special category" personal data). There is extra protection in place to keep this information safe. In particular, the School collects, uses, holds and shares:

- health information;
- information relating to any child protection concerns/investigations; and
- biometric data (i.e. fingerprints).

Additionally, the School also collects information relating to any criminal records that a pupil may have.

### Why the School collects and uses this information

The School uses pupils' data to:

- support their learning;
- monitor and report on their progress;
- provide appropriate pastoral care;
- provide medical treatment and immunisations;
- assess the quality of its services;
- keep pupils safe;
- to enable pupils to enter certain rooms and buildings at Hampton School (using their fingerprint). If at any time a pupil does not want to use their fingerprint to enter buildings/rooms, they can refuse to do so. Also, if they decide later that they do wish to use their fingerprint to enter buildings/rooms, they, or their parent, can email [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk) to make the change; and
- comply with the law.

### What is the School's basis for using this information?

The School collects and uses pupils' information under data protection law for the following reasons:

- the School has a pupil's (or their parent's) permission ("consent"). This consent can be rescinded at any time by contacting [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk);
- the School is required to do so because of its agreement with a pupil's parents;

- the School has a “legitimate interest” to do so in order to run the School, meaning it is a reasonable or obvious use of a pupil’s person data for a proper purpose; or
- the School can/have to do so because of a law.

The School may need to process what is called Special Category Personal Data (this is more sensitive personal data, for example concerning a pupil’s health). This information is processed on the basis that:

- the School needs to provide a pupil with health or social care (e.g. when a pupil visits the nurse);
- the School needs to handle information to protect a pupil from harm;
- the School is using information about a pupil which has already been made public;
- the School needs to use the information in a court of law;
- the School needs to process the information for reasons of a substantial public interest;
- the School needs to process the information for reasons of public health;
- for archival purposes in the public interest, scientific or historical research purposes, or statistical purposes;

### **Storing pupil data**

The School holds pupil data for different lengths of time, depending on the purpose of the data. This information can be found in Appendix 1 to the Records Management Policy which can be found in the Policies section on Firefly – [School Policies](#)

### **With whom the School shares pupil information**

The School routinely shares pupil information with:

- schools that a pupil attends after leaving Hampton or Hampton Pre-Prep & Prep;
- the local authority;
- the Department for Education (DfE);
- certain companies that provide services to the school (e.g. the company that maintains The School’s CCTV cameras).
- third party education software providers; and
- other health care providers.

### **Why the School shares pupil information**

The School will not share information about a pupil with anyone without consent or unless the law and the School policies permit it to do so.

The School may share information about a pupil with their parents unless there are legal reasons that prevent this. A pupil can ask that the School does not share some information with their parents; however, the School cannot promise this because it has a contract with a pupil’s parents and is legally required to update them on some matters. It may also not be in a pupil’s best interests.

The School shares pupils’ data with the Department for Education (DfE) (and if necessary, the local authorities) if/when it is required to by law. When a pupil leaves the School, they will be given information as to how this data is shared with other organisations affiliated to the School.

The School shares pupils’ data with various companies who provide services either to the School (e.g. the companies who maintain the CCTV cameras) or to a pupil (e.g. the online programs used as part of their education).

## **Data collection requirements**

For further information regarding DfE requirements regarding data collection, please go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## **Requesting access to or correction of personal data**

If a pupil wishes to request access to their personal data or for it to be changed or removed (which the School cannot promise), they should request the School's Data Subject Rights policy which can be requested by emailing [bursary@hamptonschool.org.uk](mailto:bursary@hamptonschool.org.uk).

If a pupil has a concern about the way in which the School is collecting or using their personal data, they should, in the first instance, raise that concern with the School using the email address [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk). Alternatively, they can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/> or by calling the ICO helpline at: 0303 123 1113.

## **Contact**

For any queries concerning this Privacy Notice, please contact:

The Bursar  
Hampton School  
Hanworth Road  
Hampton  
Middlesex  
TW12 3HD

Or email [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk)

### **Appendix 3: Staff and Job Applicants**

This Appendix applies to all staff, contractors, casual workers, temporary staff and volunteers who may be employed or engaged by the School to work for it in any capacity, as well as prospective applicants for roles. It also applies to Governors and trustees. However, no reference to "staff" or "employment" in this notice should be taken to imply or confer any relationship of employment where it does not exist.

This Appendix applies in addition to the School's other relevant terms and conditions and policies, including:

- any contract between the School and its staff, such as the Terms and Conditions of employment, and the Staff Handbook;
- the School's CCTV and Biometrics Policy;
- the School's Records Management Policy and Retention Schedule;
- the School's Safeguarding, Anti-Bullying, and Health and Safety policies, including how concerns or incidents are reported or recorded (both by and about staff); and
- the School's IT policies, including its Acceptable Use Policy.

The Staff Contract, including any document or policy that relates to contractual obligations, may in particular be relevant to and supplement the information in this Appendix in that it will contain details of obligations or rights of the School which may require the use of personal data. However, this Appendix and the Privacy Notice are the primary documents applicable to the use of personal data by the School.

This Appendix also applies alongside any other information the School may provide about particular uses of personal data, for example when collecting data via an online or paper form.

#### **How the School collects personal information**

There are a number of ways in which the School may collect personal data including, but not exclusively:

- when a formal application to work for the School is submitted and personal data provided in application forms and covering letters etc.;
- information provided during a job assessment process, for example during an interview
- information from third parties, for example the Disclosure and Barring Service (DBS) and referees (including previous or current employers or school), in order to verify details provided by an applicant.

More generally, during the course of employment as a member of staff, the School will collect additional data including:

- personal contact details (including when they are updated by a member of staff);
- when paperwork regarding performance appraisals is completed either by the member of staff or relevant colleague;
- in the course of fulfilling employment (or equivalent) duties more generally, including completing reports, note taking, or sending emails on School systems;
- in various other ways as a member of staff interacts within the School, and afterwards, where relevant, for the various purposes set out below.

## The types of information collected by the School

The School collects various types of personal data, namely:

- contact and communications information, including:
  - contact details (including email address(es), telephone numbers and postal address(es);
  - contact details (through various means, as above) of family members and 'next of kin', (information should be given with the authority of those concerned and in accordance with the School's Privacy Notice);
  - records of communications and interactions;
- biographical, educational and social information, including:
  - name, title, gender, nationality and date of birth;
  - image and likeness, including as captured in photographs taken for work purposes or via CCTV cameras;
  - educational history and references from institutions of study;
  - lifestyle information and social circumstances;
  - interests and extra-curricular activities;
- financial information, including:
  - bank account number(s), name(s) and sort code(s) (used for paying an employee's salary and processing other payments);
  - tax status (including residence status);
  - information related to pensions, national insurance, or employee benefit schemes;
- work related information, including:
  - details of work history and references from previous employer(s);
  - personal data captured in the work product(s), notes and correspondence created while employed by or otherwise engaged to work for the School;
  - details of professional activities and interests;
  - involvement with and membership of sector bodies and professional associations;
  - information about employment and professional life after leaving the School, where relevant (for example, where an individual has asked the School to keep in touch;)
  - any other information relevant to employment or other engagement to work for the School

Where necessary the School may in regard to employment or other engagement to work for the School, also collect special categories of data, and information about criminal convictions and offences, including:

- information revealing racial or ethnic origin;
- trade union membership, where applicable;
- information concerning health and medical conditions; (for example, where required to monitor and record sickness absences, dietary needs, or to make reasonable adjustments to working conditions or environment);
- biometric information, for example where necessary for School security systems;
- information concerning sexual life or orientation (for example, in the course of investigating complaints made by an individual or others, for example concerning discrimination);

- information about certain criminal convictions (for example, where this is necessary for due diligence purposes, or compliance with the School's legal and regulatory obligations).

However, this will only be undertaken where and to the extent it is necessary for a lawful purpose in connection with employment or other engagement to work for the School.

**The bases and purposes for processing personal data, how that data is used and with whom it is shared:**

**(i) *Entering into, or fulfilling, a contract***

The School processes personal data when it is necessary for the performance of a contract to which an individual is party, or in order to take steps, at an individual's request and prior to entering into a contract, such as a contract of employment or other engagement with the School. In this respect, the School uses personal data for the following:

- administering job applications and, where relevant, the offer of a position at the School;
- carrying out due diligence checks, whether during the application process or during employment at the School, including checking references in relation to education and employment history;
- once an individual is employed or engaged by the School in any capacity, for the performance of the contract of employment (or other agreement) between that individual and the School;
- for salary purposes and to administer benefits (including pensions) in connection with an individual's employment or other engagement with the School;
- to monitor attendance and performance, including appraisals;
- promoting the School to prospective parents and others, including by publishing the work product(s) created by staff whilst employed by, or otherwise engaged by, the School;
- for disciplinary purposes, including conducting investigations where required;
- for other administrative purposes, for example to notify updates about changes to the terms and conditions of employment or engagement, or changes to pension arrangements;
- for internal record-keeping, including the management of any staff feedback or complaints and incident reporting;
- for any other reason or purpose set out in a contract of employment (or other agreement) with the School.

**(ii) *Legitimate Interests***

The School processes personal data because it is necessary for its (or sometimes a third party's) legitimate interests. The School's "legitimate interests" include running the School in a professional, sustainable manner, in accordance with all relevant ethical, educational, charitable, legal and regulatory duties and requirements (whether or not connected directly to data protection law). In this respect, the School uses personal data for the following:

- providing prospective staff with information about the School, including requests (most obviously before a formal application to work for the School has been submitted) what it is like to work for the School;
- for security purposes, including by operating security cameras in various locations on the School's premises;
- to enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- to provide education services to pupils;
- to safeguard pupils' welfare and provide appropriate pastoral care;

- to carry out or cooperate with any School or external complaints, disciplinary or investigatory process;
- for the purposes of management planning and forecasting, research and statistical analysis;
- in connection with organising events and social engagements for staff;
- making travel arrangements on behalf of staff, where required;
- contacting members of staff, their family members and 'next of kin' for business continuity purposes, to confirm absence from work, etc.;
- publishing images and likenesses in connection with employment or engagement with the School;
- to monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's IT Acceptable Use Policy.

### **(iii) Legal Obligations**

The School also processes personal data to comply with its legal obligations, notably those in connection with employment, charity and company law, tax law and accounting, and child welfare. In this respect, personal data is used for the following:

- to meet the School's legal obligations (for example, relating to child welfare, social protection, diversity, equality, and gender pay gap monitoring, employment, and health and safety);
- for tax and accounting purposes, including transferring personal data to HMRC to ensure that appropriate amounts of tax have been paid, and in respect of any Gift Aid claims, where relevant;
- for the prevention and detection of crime, and in order to assist with investigations (including criminal investigations) carried out by the Police and other competent authorities.

### **(iv) Consent**

The School also processes personal data on the basis of consent. In these situations, an individual has the right to withdraw any consent previously supplied at any time by emailing [data@hamptonschool.or.uk](mailto:data@hamptonschool.or.uk). In this respect, personal data is used for the following purpose:

- to use photographs on the School's social media pages.

### **(v) Special categories of data and criminal offence data**

The School processes special categories of personal data (for example, but not exclusively, data concerning health, religious beliefs, racial or ethnic origin, sexual orientation or union membership) or criminal convictions and allegations for the reasons set out below.

The School will process this data on the basis that such processing is necessary to carry out obligations and exercise rights (both the employee's and the School's) in relation to employment.

In particular, the School processes the following types of special category personal data for the following reasons:

- employees' physical or mental health or condition(s) in order to record sick leave and take decisions about their fitness for work, or (in emergencies) act on any medical needs an employee may have;
- recording racial or ethnic origin in order to monitor the School's compliance with equal opportunities legislation;
- trade union membership, in connection with rights as an employee and the School's obligations as an employer; and



- categories of personal data which are relevant to investigating complaints made by an employee or others, for example concerning discrimination, bullying or harassment;

Additionally, the School processes:

- data about any criminal convictions or offences committed by an employee or prospective employee, for example when conducting criminal background checks with the DBS, or where it is necessary to record or report an allegation (including to Police or other authorities, with or without reference to an individual);

The School will process special categories of personal data for lawful reasons only, including:

- when explicit consent has been given and when consent is appropriate;
- it is necessary to protect a person's vital interests, for example, where an individual has a life-threatening accident or illness in the workplace and the School has to process their personal data in order to ensure they receive appropriate medical attention;
- where it is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
- where the processing relates to personal data which is manifestly made public by an individual (as the data subject);
- where processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;
- where the processing is necessary for reasons of public interest in the area of public health;
- where the processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes;
- it is necessary for some function in the substantial public interest, including the safeguarding of children or vulnerable people, or as part of a process designed to protect others from malpractice, incompetence or unfitness in a role (or to establish the truth of any such allegations); or
- it is necessary for the establishment, exercise or defence of legal claims, such as where any person has brought a claim or serious complaint against the School or an employee.

The School processes criminal record information for employment purposes in order to fulfil legal obligations.

### **Sharing personal information with others**

For the purposes referred to in this Appendix and relying on the bases for processing as set out above, the School may share employees' personal data with certain third parties and may disclose limited personal data (including in limited cases special category or criminal data) to a variety of recipients including:

- other employees, agents and contractors (e.g. third parties processing data on the School's behalf as part of administering payroll services, the provision of benefits including pensions, IT etc. – although this is not sharing personal data in a legal sense, as these are considered data processors on our behalf);

- DBS and other relevant authorities and agencies such as the Department for Education, NCTL, the ICO, Charity Commission and the local authority;
- other schools in the Trust;
- external auditors or inspectors;
- external advisers or consultants to the School where it is necessary for the School to obtain their advice or assistance;
- third parties and their advisers, in the unlikely event that those third parties are acquiring, or considering acquiring, all or part of the School, or the School is reconstituting or setting up same;
- when the School is legally required to do so by a court order, government body, law enforcement agency or other authority of competent jurisdiction, for example HMRC or the Police;
- service providers (data processors) used by the school to facilitate school operations (e.g. payroll) and pupil education;
- prospective employers in the form of a reference where the School is required to do so in compliance with its legal obligations;

### **How long is personal information is kept?**

Personal data relating to unsuccessful job applicants is deleted within six months of the end of the application process, except where the School has notified an individual that it intends to keep it for longer (and that individual has not objected).

For employees, subject to any other notices that the School may provide, the School may retain personal data indefinitely after a contract of employment (or equivalent agreement) has expired or been terminated. This is because staff files are not filtered prior to archive to avoid subjectivity and some of the information is required for safeguarding purposes. Staff files are scanned and archived electronically in their entirety.

### **Individuals' Rights**

The body of this Privacy Notice of this document details the rights of a 'data subject' which, for School staff, are the same as any other member of the public. For more information on individual rights, see Section 7 of this Privacy Notice. Further information can be found on the Information Commissioner's website [www.ico.org.uk](http://www.ico.org.uk).

### **This notice**

The School will update this Appendix from time to time. Any substantial changes that affect an employee's rights will be provided directly as far as is reasonably practicable.

### **Contact and complaints**

Any queries about this Privacy Notice or how the School processes personal data, can be addressed to a Line Manager or via email to [data@hamptonschool.org.uk](mailto:data@hamptonschool.org.uk).

Alternatively, the matter can be addressed via the relevant staff grievance procedures which can be found on Firefly - [School Policies](#)

If internal procedures do not satisfactorily resolve any issues, a complaint can be made to the Information Commissioner's Office at: [www.ico.org.uk](http://www.ico.org.uk). The ICO does recommend that resolution is sought before any referral.