



How We Use Your Information Privacy Notice for Parents (Full)

Orchard Hill College

November 2020

Parent Privacy Notice Introduction

This Privacy Notice (**Notice**) is to help you understand **how** and **why** the **College** collects and uses your personal data and **what** we do with that information.

If you have any questions about this notice please talk to your child's tutor or the Data Protection Officer. GDPR Sentry Limited, Unit 434 Birch Park, Thorp Arch Estate, Wetherby, LS23 7FG, or via the Business Support Partner (Rachael Tucker), data.protection@ohcat.org, 020 3897 7002.

What is "personal data"?

Personal data is information which is about you, from which you can be identified.

This includes your contact details, next of kin and financial information. CCTV images, photos and video recordings of you are also personal data.

Where we get your personal data from and who we share it with

We obtain your personal data from a number of different sources. We get information from you (e.g. when your child joins the college).

We also get information from other sources such as our tutors, your child, your child's previous schools, other members of your family, other students and their parents, as well as from people outside of the College such as the local authority.

We will also share information with these people and organisations where appropriate. For example, if you tell us about something which has happened at home, we will share this with your child's tutors if relevant.

The purposes for which we use your information and the lawful basis

We use your information in order to:

1. teach your child and our other students;
2. look after your child and others such as other students;
3. enable us to comply with our legal obligations, to assist us regarding the management and operation of the College and to advance and protect our interests, objectives and reputation; and
4. promote what we do. For example, by using photographs in a college prospectus, on our website or in social media.

Our lawful basis for using your personal data are as follows:

- **Public task:** This allows us to use personal data where doing so is necessary in order to perform a task in the public interest. For example, we are performing a task in the public interest when we teach and look after your child.
- **Legal obligation:** We might need to use your information in order to comply with a legal obligation, for example, to report a concern about your child's wellbeing to Children's Services or in relation to inspections. Occasionally we may have a legal obligation to share your personal data with third parties such as the courts, local authorities or the police. More detail of when we will do so is set out below.

- **Vital interests:** In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed or killed.
- **Legitimate interests:** This means that the College is using your information where this is necessary for the College's legitimate interests or someone else's legitimate interests. Legitimate interests only applies where it is not overridden by your interests, rights and freedoms.
- **Contract:** We will need to use your information in order to perform our obligations under any contract that we have with you and for you to perform your obligations as well. We may also rely on this basis where you have asked us to do something before entering into a contract with us.

Our purposes and lawful basis in more detail

This section contains more detail about the purposes for which your personal data is used, the applicable lawful basis as well as further information about sources and recipients. It does not say anything different to what's set out above but goes into more detail.

We have also used a colour code system so that you can see which basis we are relying on for each of the purposes described at paragraphs below. **LI** means legitimate interests, **CT** means contract, **PI** means public task, **LO** means legal obligation and **VI** means vital interests. So if we have **LO, PI** that means we are relying on both legal obligation and public task for that purpose.

1. The College's primary reason for using your personal information is to provide your young person with an education - **LO, PI**,
2. We obtain information about you from referrals, at assessment, from admissions forms and from the student's previous School/College or Day Care Centre. You may provide us with information about you from professionals such as doctors and local authorities during the admission and assessment process. When your child is at the College or as part of the referral and assessment process we may obtain information about you from individuals involved in the process - **LO, PI**,
3. We will have information about any family circumstances which might affect your young person's welfare or happiness. This is to help us provide appropriate care and support to the student - **LO, PI**.
4. 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 the young person and the other students at the College - **LO, PI**.
5. We use CCTV for the following reasons. Images captured of you via CCTV will be your personal data. CCTV is not used in private areas such as toilets **PI**,
 - to safeguard the welfare of pupils, staff and visitors;
 - to protect the College's buildings, pupils, parents, staff and visitors from criminal activity such as theft and vandalism;
 - to increase personal safety;
 - to support the protection of property;
 - to aid in the investigation of accidents and incidents and the monitoring of health and safety;
 - to support law enforcement agencies in the reduction, prevention and detection of crime and to assist in the identification, apprehension and potentially prosecution of offenders.

6. We will use your personal data to take other steps to make sure the College site and buildings are safe, for example, we keep a record of visitors to the college sites at any given time - **PI**, **LO**.
7. 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 - **LO**, **PI**,
8. We may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your child's Education Health and Care Plan - **PI**, **LO**.
9. Where appropriate, the College will have information about your religious beliefs and practices. For example, your young person may not eat certain foods, **PI**,
10. We will also hold information such as your ethnic group for the purposes of monitoring our obligations under our equality and diversity policy - **PI**, **LO**.
11. We may use photographs or videos of your young person to use on social media, the College website, prospectuses and/or other publications. This is to show prospective parents and students what we do here and to promote the College. We may continue to use these photographs and videos after your young person has left the College - **LI**.
12. We will take photographs or videos of your young person at College or Trust events to inform on learning progress. **LI**.
13. 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), the parent newsletter and to inform on upcoming courses that may be of interest to your young person - **LI**.
14. We will keep details of your address when your young person leaves College so we can find out how your young person is progressing and to inform you of new course programmes or College news.- **LI**.
15. If you buy things from the College such as tickets for events or sportswear, we may hold financial information about you - **CT**, **LI**.
16. We may use your information in connection with legal disputes - **PI**, **LO**.
17. We may use information about you if we need this for historical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the College - **LI**.

Sharing personal information with others

18. In accordance with our legal obligations, we will share information with local authorities, Ofsted and the Department for Education, for example, where we have any safeguarding concerns or to comply with our legal obligations - **LO**, **PI**.
19. On occasion, we may need to share your information with the police for the prevention and investigation of crime or the apprehension or prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations - **LO**, **PI**.
20. 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 - **LO**, **PI**.
21. In certain circumstances, we may also need to share information with our legal advisers for the purpose of obtaining legal advice and legal representation - **LO**, **PI**.

22. Occasionally we may use consultants, experts and other professional 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 - **PI**,
23. We will share basic information (ie, name, address and contact details) with our Transport providers to facilitate safe transport for your child – **PI, CT**
24. We may share information about you with our insurance company, for example, where there is a serious incident at the College - **PI**,
25. If the college is dealing with a request for information, query, complaint or grievance (e.g. from another parent), we may need to share your information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved and trustees – **PI, LI**.
26. We may use your information when responding to an incident, for example, if something is published on social media which concerns the College - **PI, LI**.
27. We will share information about you with our sponsored Multi-Academy Trust if we believe they can make additional resources not available to Orchard Hill College to support your young person. For example, details of family circumstances - **PI**.
28. We will share information about you with the Nurses and Therapy team where there is support required for the medical needs of your young person. **PI**.
29. We will share information about you with medical professionals where there is support required for the medical needs of your young person. **PI**.
30. We will share information about you with the Orchard Hill College & Academy Trust Shared Services Team (e.g. MIS Team, Finance Team, the CEO PA team) to assist the College in fulfilling its obligations and to help run the College properly. We will share information with them if this is relevant to their work - **PI**,
31. If a student leaves us to attend another College we will need to provide that College with information about you. For example, contact details and information about you recorded at Reviews or if there have been any safeguarding incidents - **PI**,
32. Where appropriate, we may share information about you with other people who look after your young person, such as another parent, step-parent, carer, guardian or care home. For example, where this is part of our obligation to take care of the student or part of our wider legal and regulatory obligations - **LO, PI**.
33. We may need to share information with third parties if there is an emergency, for example, if you are hurt whilst on our premises - **VI, PI**.
34. We will need to share information with local authorities and third parties for funding purposes, for example, with the Education and Skills Funding Agency – **LO, CT, PI**,
35. If your young person has an Education and Health Care Plan (EHCP), we will share information with primary health care teams and obtain information from the local authority about you - **LO, PI**.

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

- IT consultants who might access information about you when checking the security of our IT network; and

- We use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the College site; and
- We use third party support services to troubleshoot our databases who might access information about you when supporting the College.

More sensitive types of personal data

We have extra obligations in relation to some types of more sensitive personal data. This applies to the following categories of information: personal data 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 and information about criminal convictions or offences. When we handle these types of information it will usually be doing so because:

- It is in the substantial public interest to do so, for example, to assist us comply with our safeguarding obligations.
- There will be times when we need to use your information because we are an employer (e.g. we employ teachers). We may also 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.
- To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.
- It is necessary for the establishment, exercise or defence of legal claims. For example, this allows us to share information with our legal advisors and insurers.

Consent

We may ask for your consent to use your information in certain ways as an alternative to relying on any of the bases listed 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, when the image is being used by on advertising on a billboard or bus or in a large advertising campaign, in a newspaper or in a case study in our prospectus with a particular focus on your young person. This because we cannot rely solely on our legitimate interests or it being in the public interest. 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 OHC Data Protection Officer / Head of MIS if you would like to withdraw any consent given.

Sending information to other countries

In certain circumstances, we may send your information to countries which do not have the same level of protection for personal data as there is in the UK. For example, in organising overseas trips.

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 data 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

Protection Officer.

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 the student. We may keep information after your child has left the college and in some cases 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. This can be found on our website here http://www.orchardhill.ac.uk/about_us/policies/.

What decisions can you make about your information?

Data protection legislation gives you a number of rights regarding your information. Your rights are as follows:

- **Correction:** if information we hold 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 lawful basis for using your information" above); and (c) the information is being processed by us on computer.
- **Restriction:** you can request that we restrict how we use your personal data.
- **Objection:** you may object to us using your information where:
 - we are using it for direct marketing purposes (e.g. to send you an email about a fundraising opportunity);
 - the lawful 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 lawful basis for using your information" above; and
 - if we ever use your information for scientific or historical research purposes or statistical purposes.

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

Further information and guidance

The Data Protection Officer is the person responsible at our college for managing how we look after personal data 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 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 contractual rights.

Please speak to the Data Protection 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). Failing to provide information may also adversely affect the education and care we are able to provide to your child.

You have a right to lodge a complaint with a data protection supervisory authority. The supervisory authority in the UK is the Information Commissioner's Office (ico.org.uk). If you do have any concerns about how we have handled your personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right. Our Data Protection Officer can be contacted by emailing data.protection@ohcat.org.