



How We Use Your Information Privacy Notice for Students of Orchard Hill College (Full)

Orchard Hill College

November 2020

Introduction

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

If you have any questions about this notice please talk to your tutor.

What is "personal data"?

Personal data is information which is about you.

This includes information such as your name, date of birth and address as well as things like exam results, medical details, unique learner number and information about how you behave. CCTV, photos and video recordings of you are also personal information.

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

We get your personal data from different sources such as your tutors, parents/carers, your old college or school, other members of the college community, as well as from people outside of the college such as government departments.

Sometimes, we will share information with these people and organisations, for example, we will tell your parents/carers about how well you are doing at College.

Why we use your personal data and our lawful basis for doing so

The College needs to use your information in order to:

1. Teach you and other students;
2. Look after you and other students;
3. Make sure that you and others are following College rules;
4. Make sure that the College complies with the law and is managed well;
5. To tell people about the College and what we do here e.g. we may use photographs of you in our prospectus, on our website or in social media.

We can only use your personal data if we have a good reason to do so. This is called having a "lawful basis" to use your personal data. Our lawful bases are as follows:

Public Task

This allows Orchard Hill College to use personal data where doing so is necessary in order to perform a task in the public interest. For example when we teach and look after you.

Legal Obligation

Orchard Hill College might need to use your information in order to comply with a legal obligation, for example, to report a concern about your wellbeing to Social Services or the police. Occasionally we may have a legal obligation to share your personal data with third parties such as the court.

Vital Interests

Although this won't happen very often, we may need to use your information to protect you or someone else. For example, to prevent someone from being seriously harmed.

Legitimate Interests

This means that Orchard Hill College is using your information where this is necessary for legitimate interests. Legitimate interests only applies where it is not overridden by your interests, rights and freedoms.

Our purposes and lawful bases in more detail

This section gives you more information about why Orchard Hill College uses your personal data, where we get it from and who it is shared with, and which lawful bases apply. It does not say anything different to the sections above but goes into a lot more detail.

We have used a colour code system so that you can see which lawful basis we are relying on for each of the purposes described below.

The letters highlighted in different colours below refer to the lawful basis. So **LI** means legitimate interests, **PI** means public task, **LO** means legal obligation and **VI** means vital interests. So if we have **LI, PI** that means we are relying on both legitimate interests and public task for that purpose.

1. Orchard Hill College's primary reason for using your personal data is to provide you and other students with an education - **LO, PI**.
2. Orchard Hill College will also use your personal data to safeguard and promote your welfare and the welfare of others (for example, so that we can look after you if you are hurt) **LO, PI, VI**.
3. We use information about you during the admissions process. For example when learning more about you from your parents/carers before you join the College. We may let your former College or School know if you have been offered a place at Orchard Hill College as they have a legitimate interest in finding out how and what happens to their former students. The admissions, forms which your parents/carers complete gives us personal data about you such as your name, contact details, disabilities, any particular difficulties, hobbies and interests, medical information and family circumstances. We get information from you, your parents, your teachers and other students. Your old school also gives us information about how well you did and any difficulties you had so that we can teach and care for you - **LO, PI**.
4. Sometimes we get information from your doctors and other professionals where we need this to look after you - **LO, PI**.
5. We need to tell the appropriate tutors if you have a health issue - **LO, PI**.
6. We will need to tell your tutors about your special educational needs or if you need extra help with some tasks - **LO, PI**.
7. We will need to share information about you (e.g. about your health and wellbeing) with the college nurse or therapy team - **LO, PI**.
8. If we have information that you suffer from an allergy we will use this information so that we can look after you - **LO, PI, VI**.
9. If we have information that you have a disability we will use information about that disability to provide support - **LO, PI, VI**.
10. Where appropriate, Orchard Hill College will have information about your religious or other beliefs and practices. For example, if you do not eat certain foods - **LO, PI, SPI**
11. We will also hold information such as your ethnic group to help us meet our obligations under our Equality Policy – **PI, LI**.
12. We will hold information if you receive free college meals so that we can provide these - **LO, PI**.

13. 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 students, staff and visitors;
 - to protect the College's buildings, students, 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.
14. 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 who is on the college site at any given time - **PI**.
15. We record your attendance and if you have time away from the College we record the reason(s) why - **LO, PI**.
16. We will need to share some information about you with external agencies (e.g. the Department for Education and or the Education and Skills Funding Agency). We will need to tell the local authority that you attend Orchard Hill College, if you leave the College or let them know if we have any concerns about your welfare. The local authority may also share information with us for these reasons - **LO, PI**.
17. 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 - **LO, PI**.
18. We are sometimes inspected to make sure that we are continuing to be an outstanding College. We will have to make your information available to the inspectors to help them to carry out their job - **LO, PI**.
19. We will need information about any court orders or criminal matters which relate to you. This is so that we can safeguard your welfare and wellbeing and the others - **LO, PI**.
20. We will need to ensure that you have the right to study in the UK. Sometimes the government will ask us to provide this information as part of our reporting requirements - **LO, PI**.
21. Depending on where you will go when you leave us we will provide your information to other Colleges and universities, UCAS or potential employers. For example, we will share information about your exam results and provide references. If we hold safeguarding information about you, we will share that with your next college - **LO, PI**.
22. We may pass on information to your next College which they need in order to look after you, for example, information about any concerns we have had about your welfare - **LO, PI**.
23. When you take examinations we will need to share information about you with examination boards. For example, if you require extra time in your exams - **PI**.

24. The Learning Records Service (which is part of the government) will give us your unique learning number. We may receive details about you (e.g. your qualifications) from the Learning Records Service - **PI**.
25. We may provide your information to other agencies so they can provide careers advice and/ or other support services - **PI**.
26. If someone makes a complaint about how the College has behaved we may need to use your information to deal with this appropriately. For example, if your parents/carers complain about how we have looked after you - **LO, PI**.
27. Orchard Hill College may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your Education Health and Care Plan - **LO, PI**.
28. We may use your information in connection with legal disputes - **PI, LO**.
29. We may need to share information about you with the police or our legal advisers if something goes wrong or to help with an enquiry - **LO, PI**.
30. We use consultants, experts and other advisors to assist the College in fulfilling its obligations. We will share your information with them if this is relevant to their work - **LO, PI**.
31. If you have misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police - **LO, PI**.
32. We may share some information with our insurance company to make sure that we have the insurance cover that we need or in connection with an actual or possible claim - **LO, PI**.
33. If the College is dealing with a request for information, query, or complaint, we may sometimes need to share your information with the other people involved such as other students and their parents – **LI, PI**.
34. We will share your academic and your behaviour records with your parents or carers or if you are an apprentice your employer, so they can support your programmes - **LO, PI**.
35. If ever in the future, we are considering restructuring Orchard Hill College, we may share your information with the other parties involved and with the relevant professional advisors - **LI**.
36. We will monitor your use of email, the internet and mobile electronic devices e.g. iPads to check that you and others are safe. In certain circumstances we will look at the content of your messages (e.g. emails and text messages). The monitoring we do is carried out using computer software which will automatically tell us if something isn't right. If you would like more information about this you can read the acceptable use of IT policy or speak to your tutor or Head of Centre - **LO, PI**.
37. We may use your personal data in order to help make Orchard Hill College better, for example, to raise money for the College while you are a student and after you have left. - **LI**.
38. We may use photographs or videos (images) of you as part of our Public Task **PI** i.e. to teach you and keep you safe or for another purposes. We may continue to use

these photographs and videos after you have left the College. We will ask you if you are happy for us to use your image for some purposes. Examples are listed below.

39. Examples of when we will use your image as part of our Public Task are

- Image used internally to inform staff which students have allergies. **PI**.
- Image taken during a lesson which is only shown to the students in the video to provide feedback. **PI**.
- Image of a student to be used internally, for example on SIMS, ID passes. **PI**.
- Image taken for internal student assessments / lessons. **PI**.
- The use of a webcam to broadcast images of students within the College, for example, to allow one class to see another as part of an IT lesson. **PI**.
- Image of students taken on a College trip or during a sporting event or celebration to be used for an internal exhibition or display. **PI**.

Examples of when we will ask you if you are happy for us to use your image are

- Image is being used in a local newspaper
- Image is being used as part of a case study in a specialist publication
- Official College image of a whole College or class or individuals, to be purchased by parents
- Image is sent to the College community (e.g. in a College newsletter)
- Image is being published on the College website
- Image is being published on the College prospectus
- Image is being published in social media e.g. on Twitter
- Image is in a video of a College event e.g. sports day or a play

If you have concerns about us using photographs or videos of you please speak to your form tutor or email data.protection@ohcat.org.

40. We will keep details of your address when you leave so we can keep you updated about what is happening at the college, to tell you about events and activities and courses at college that you may be interested in and to find out how you are getting on - **LI**.
41. Orchard Hill College must make sure that our computer systems are working well and is secure. This may involve information about you, for example, our anti-virus software might scan files containing information about you - **PI**.
42. We may your share information across the College and with Orchard Hill College Academy Trust if some or part of your programme is being held in one of the Orchard Hill College Academy Trust schools or to share news of your achievements - **LO, PI**.
43. Sometimes, we use someone from outside of the College to provide activities. For example, this could be a teacher who does not normally work for the College or a member of staff who works in one of Orchard Hill Academy Trust schools. It could also be a company that provides outdoor activities. We may share your information with them, for example, to tell them what sports you are good at and if you have any support needs- **PI**.
44. Some of the records we keep and which contain your personal data may be used by us or an external agency to check the College is operating well - **PI**.
45. We also keep some information for archiving purposes and for historical research purposes. This includes the College's legitimate interest in keeping a record of what the College was like in the past. For example, we keep photographs so that we have

a record of what Orchard Hill College was like in the past. Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws. Please speak to your tutor or Head of Centre if you would like more information - **LI**, **PI**.

46. We may share your personal data with the Governing members of the College if it concerns something they should know about or which will enable them to fulfil their role as a Trustee. For example, this will apply if you have done really well or if there is a problem at the college they need to know about - **LO**, **PI**.

We will only share your information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

As you will see from the information above, in some cases we will rely on more than one lawful basis for using your information. In addition, we may move from one of the lawful basis listed above to another as circumstances change. For example, if we become really worried about your wellbeing, we may start to rely on "legal obligation" to share personal data with the local authority in addition to the other lawful basis which are noted for looking after you.

We may use contractors to handle personal data on our behalf for the following purposes:

- IT consultants to help run the College's computer systems. For example, they might need to access a file containing personal data when investigating a fault or checking the security of our IT network;
- Software, apps and websites to help us with teaching, and to help us provide pastoral support to you and your class.
- Third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the College sites.

If you have any questions about any of the above, please speak to your Head of Centre.

Orchard Hill College has extra obligations in relation to some types of more sensitive personal data. This applies to information about race or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, information about gender and orientation, information about criminal convictions or offences and trade union membership. When we handle these types of information we will usually be doing so because:

- It is in the public interest to do so, for example, to provide you with an education, to look after you and your classmates or when Orchard Hill College is inspected.
- For medical purposes. This includes medical treatment and the management of healthcare services.
- Orchard Hill College is an employer (e.g. we employ your teachers). Also we will use your information to comply with social protection law (e.g. to look after you) 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.
- 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 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 you and we cannot rely on legitimate interests or it being in the public interest. If we ask for your consent to use your personal data you can take back this consent at any time.

Any use of your information before you withdraw your consent remains valid. Please speak to your tutor or your Head of Centre if you would like to withdraw any consent that you have 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, when organising trips overseas.

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/international-dimension-data-protection/adequacy-decisions_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 your Head of Centre.

For how long do we keep your personal data?

We keep your information for as long as we need to in order to educate and look after you.

After you have left college we are required to keep some of your information. For more information please see our Information and Records Retention Policy for more detailed information. This can be found on our website at https://orchardhill.ac.uk/about_us/policies/ .

What decisions can you make about your personal data?

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

- Correction

If personal data we hold about you is incorrect you can ask us to correct it.

- Access

You can also ask what personal data we hold about you and be provided with a copy. This is commonly known as making a Subject Access Request (SAR). 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 personal data 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 personal data to you or to a third party in a format that can be read by computer in certain circumstances. This applies where (a) the personal data has been provided by you; (b) the basis that we are relying on to process your personal data is consent or contract (please see "Our lawful basis for using your personal data" 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 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 basis for using your information" above; and
- if we ever use your information for scientific or historical research purposes or statistical purposes.

Your Head of Centre can give you more information about your data protection rights.

Further information and guidance

This notice is to explain how we look after your personal data. Your tutor or your Head of Centre will be able to answer any questions which you might have.

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.

Please speak to your tutor or your Head of Centre if:

- you would like to exercise any of your rights listed above; or
- you would like us to update the information we hold about you; or
- you would prefer that certain information is kept confidential.

The Data Protection Officer is in charge of Orchard Hill College & Academy Trust data protection compliance. You can ask your tutor or Head of Centre to speak to the Data Protection Officer or speak to the Data Protection Officer yourself. Alternatively, you can ask your parents/carers to speak to us on your behalf if you prefer. GDPR Sentry Limited, Unit 434 Birch Park, Thorp Arch Estate, Wetherby, LS23 7FG, support@gdprsentry.com, 0113804203 or via the Business Support Partner (Rachael Tucker), data.protection@ohcat.org, 020 3897 7002.

If we ask you to tell us something and you do not do so then this may make it more difficult for us to teach and look after you and others.

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.