



Cobham Hall

Privacy Notice

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This Notice is provided to you by the Mill Hill School Foundation ('the Foundation') which includes the Senior School known as Mill Hill School, Mill Hill International, Belmont School, Grimsdell School, Cobham Hall, Lyonsdown School and Keble Prep School. It is a registered charity and a company limited by guarantee, employing both teaching and non-teaching staff. Legal responsibility rests with the company acting by the Court of Governors, and the Headteachers having day to day responsibility for the management of the schools and the care of pupils.

This Notice is intended to help you understand how and why we collect personal data about you and, where applicable, your child/ren.

1. What this Privacy Notice is for

This Privacy Notice provides information about how the Foundation will use ('or process') personal data about individuals including: its staff, governors and volunteers and alumni; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this Notice as 'parents'). Collectively, we refer to these individuals in the Privacy Notice as the Foundation's community.

This information is provided to you because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents, pupils, governors, alumni and volunteers are all encouraged to read this Privacy Notice and understand the Foundation's obligations to its entire community.

This Privacy Notice also applies alongside any other information that the Foundation may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice applies in addition to the Foundation's other relevant terms and conditions, protocols and policies, including:

- Any contract between the Foundation and its staff, parents or pupils
- Any policies or notices applicable to staff concerning the handling of personal data
- The Foundation's CCTV policy and/or biometric policy/protocol
- The Foundation's retention of records policy
- The Foundation's safeguarding, pastoral and health and safety policies including as to how concerns or incidents are recorded; and
- The Foundation's IT policies, including its Online Safety policy

Anyone who works for or acts on behalf of the Foundation (including staff, volunteers, governors and service providers) should be aware of and comply with this Privacy Notice and the Foundation's Data Protection Policy which provides further information about how personal data about individuals will be used.

Data Protection Law means primarily the UK version of the General Data Protection (the GDPR) and the Data Protection Act 2018. (DPA 2018). The DPA 2018 includes provisions of specific relevance to independent schools: in particular, in the context of our safeguarding obligations, and regarding the right of access to personal data.

2. Responsibility for Data Protection

The Foundation has appointed Maxine Zeltser as Compliance Manager protection co-ordinator, who will deal with all your requests and enquiries concerning the Foundation's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with the Foundation's policies and Data Protection Law. The email address for queries concerning matters arising from this Notice is compliance@millhill.org.uk

3. Why the Foundation Needs to Process Personal Data

In order to carry out its ordinary duties to staff, pupils and parents, the Foundation needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils, alumni or parents) as part of its daily operations. Some of this activity by the Foundation will be needed to fulfil the Foundation's legal rights, duties or obligations – including those under a contract with its staff or parents of its pupils. Other uses of personal data will be made in accordance with the legitimate interests of the Foundation or the legitimate interests of another, provided that such interests are not outweighed by the impact on individuals and provided it does not involve special or sensitive types of data.

The Foundation expects that the following uses will fall within that category of it's (or it's community's) **'legitimate interests'**:

- For the purposes of pupil selection and to confirm the identity of prospective pupils and their parents, and retain a record, if appropriate, for the purposes of future applications or openings
- To provide education services, including musical education, physical training or spiritual development, career services and extra-curricular activities to pupils and monitoring pupils' progress and educational needs
- Maintaining relationships with alumni, and the Foundation community including with its parents' associations, namely the Mill Hill Parents Association, Belmont Parents Association, Grimsdell Parents Association; Unicorn Parent Teacher Association, the Old Millhillians Club Limited and The Elders Association, including direct marketing or fundraising activity
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background
- For the purposes of management, planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis)
- To enable relevant authorities to monitor the Foundation's performance and to intervene or assist with incidents as appropriate
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the Foundation
- To safeguard pupils' welfare and provide appropriate pastoral care
- To monitor (as appropriate) use of the Foundation's IT and communication systems in accordance with the Foundation's Online Safety Policy, which can be found on the Foundation's website

- To make use of photographic images of pupils in the Foundation's publications, on the Foundation's website and, where appropriate on the Foundation's social media channels in accordance with the Foundation's policy on taking, storing and using images of children which can be found in its Online Safety Policy
- For security purposes, including biometrics and CCTV in accordance with the Foundation's policy/protocol
- To carry out or cooperate with any Foundation or external complaints, disciplinary or investigation process
- Where otherwise reasonable necessary for the Foundation's purposes, including to obtain appropriate professional advice and insurance for the Foundation
- To assess and make decisions on applications for Scholarships and Bursaries

In addition, the Foundation will on occasion need to process **special category personal data** (for example, regarding health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs
- To provide educational services in the context of any special educational needs of a pupil
- To provide spiritual education in the context of any religious beliefs
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (lockers, lunch etc.)
- As part of any Foundation or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, health or safeguarding elements; or
- 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

4. **Types of Personal Data Processed by the Foundation**

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details
- car details (about those who use our car parking facilities)
- biometric information which will be collected and used by the Foundation in accordance with its policies
- bank details and other financial information (e.g. about parents who pay fees to the Foundation) including the files of any licensed credit reference agency to verify your identity and/or in connection with a bursary award and/or in contemplation of an agreement for the deferment of fees and any anti-money laundering information we are required to collect by law

- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks
- personnel files, including in connection with academics, employment or safeguarding
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin
- references given or received by the Foundation about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils
- correspondence with and concerning staff, pupils and parents past and present
- images of pupils (and occasionally other individuals) engaging in Foundation activities, and images captured by the Foundation's CCTV system (in accordance with the Foundation's CCTV Policy and Online Safety Policy)

5. How the Foundation Collects Data

Generally, the Foundation receives personal data from the individual directly (including, 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 or written assessments). However, in some cases personal data will be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

As a charity, to help maximise the school's fundraising potential, to provide our supporters with an improved experience and to help us raise funds more efficiently, we occasionally undertake in-house research or engage specialist agencies to carry out wealth screening activities, gathering information from publicly available sources. You can always opt out of this processing. If you would prefer us not to use your data in this way, please email compliance@millhill.org.uk.

We also use publicly available sources to carry out due diligence on donors in line with our code of ethical fundraising and to meet money laundering regulations.

6. Who has Access to Personal Data and who the Foundation Shares it with Processing by Third Parties

For the most part, personal data collected by the Foundation will remain within the Foundation and will be processed by appropriate individuals only in accordance with access protocols (i.e on a 'need to know' basis). However, some functions may be outsourced including HR, IT, cloud storage/records management, monitoring, mailing. In accordance with Data Protection Law, this type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the Foundation's specific directions.

Data sharing. Occasionally, the Foundation, including its governors, will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants)
- government authorities (e.g. HMRC, DfE, police or the local authority)
- appropriate regulatory bodies e.g. National College for Teaching and Learning, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner
- The Old Millhillians Club Limited, the Life Guardians and the Elders Association
- The Foundation Parent Teacher Associations

- Appropriate contractors, such as visiting music teachers
- Examination boards
- Occasionally, the governors will need to process parent or pupil information, such as when a complaint is raised and in accordance with the Foundation's Handling Concerns and Complaints by Parents (incl EYFS) Policy, this may require the involvement of independent panel members

Access to sensitive data. Particularly strict rules of access apply in the context of 'special category' data, most notably:

- medical records held and accessed only by the Foundation's Nurse Manager and appropriate medical staff under their supervision, or otherwise in accordance with express consent
- pastoral or safeguarding files

Medical Data. The Foundation needs to process such information to comply with statutory duties and to keep pupils and others safe, but the Foundation will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for Foundation trips or for catering purposes. Express consent will be sought where appropriate.

However, a certain amount of any SEND pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Safeguarding Data. Staff, volunteers, pupils, alumni and parents are reminded that the Foundation is under a duty imposed by law and statutory guidance (including [Keeping Children Safe in Education \(KCSIE\)](#)) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police.

KCSIE also requires that, whenever a child leaves the Foundation to join another school or college, their child protection file is promptly provided to the new organisation. The Foundation will retain a copy in accordance with its retention policy for material related to safeguarding matters.

For further information about this, please view the Foundation's Safeguarding and Protecting the Welfare of Pupils Policy.

7. How Long we Keep Personal Data

The Foundation will retain personal data securely and only in line with how long it is necessary to keep the data for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the Foundation. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. For more information, please refer to the Foundation's Retention of Records policy.

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

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

8. Keeping in Touch and Supporting The Foundation

The Foundation will use the contact details of parents, alumni and other members of the Foundation community to keep them updated about the activities of the Foundation, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the Foundation will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the Foundation community, such as the Old Millhillians Club Limited, the Elders Association, the Mill Hill Parents Association, Belmont Parents Association, Grimsdell Parents Association and the Unicorn Parent Teacher Association
- Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for the Foundation
- Use tools to monitor the effectiveness of our communications with you, including email tracking (which, for example, records when an e-mail from us is opened). From time to time the Foundation might screen your data against publicly available records (for example to find a change of address for a lost alumnus from the electoral roll)

Should you wish to limit or object to any such use, or would like further information about them, please contact the Compliance Manager, Maxine Zeltser, in writing by email. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the Foundation is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

9. Your Rights

Individuals have various rights under Data Protection Law to access and understand personal data about them held and processed by the Foundation, and in some cases, to ask for it to be erased or amended or have it transferred to others, or for the Foundation to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection as to how their personal data is used, should put their request in writing by email to the Compliance Manager, Maxine Zeltser.

The Foundation will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is generally one month, but actually fulfilling more complex or multiple requests, eg those involving third party information, may take longer).

- **Rights of access etc.** The Foundation will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, the Foundation may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, the Foundation will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

- **Requests that cannot be fulfilled.** You should be aware that GDPR rights (including the right of access) are limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the Foundation, or documents prepared in connection with a legal action).

The Foundation is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers –although markers' comments may still be disclosable if they constitute pupil personal data), provide examination or other test marks ahead of any ordinary publication date, nor share any confidential reference held by the Foundation that was (or will be) given for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, the Foundation will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data such as, for example, to comply with a legal requirement, or where it falls within a proportionate legitimate interest identified in this Privacy Notice. Generally, if the Foundation still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

- **Pupil requests.** Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the Foundation, they have sufficient maturity to understand the request they are making (see section **Whose Rights?** below). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's. For older pupils, the parent making the request may need to evidence their child's authority for the specific request. Requests not considered in the child's best interests may sometimes be refused.

Pupils at Mill Hill School, Mill Hill International and Cobham Hall aged 13 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. The Mill Hill School, Mill Hill International and Cobham Hall will speak to students about their rights under Data Protection Law.

- **Parental requests, etc.** It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The Foundation may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. Where parents are separated, the Foundation will in most cases aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child, court orders or pastoral issues.

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

- **Consent.** Where the Foundation is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are: for example, biometrics, certain types of uses of images and certain types of fundraising activity. Please be aware however that the Foundation may not be relying on consent but have another lawful reason to process the personal data in question even without your consent. That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).
- **Whose rights?** The rights under Data Protection Law belong to the individual to whom the data relates. However, the Foundation will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the Foundation relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek the pupil's consent, either alongside or in place of parental consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the Foundation will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in the Foundation's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the Foundation may be under an obligation to maintain confidentiality unless, in the Foundation's opinion, there is a good reason to do otherwise; for example where the Foundation believes disclosure will be in the best interests of the pupil or other pupils, or if required by law.

Pupils are required to respect the personal data and privacy of others, and to comply with the Foundation's Online Safety Policy and the Foundation rules. Staff are under professional duties to do the same.

10. Data Accuracy and Security

The Foundation will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the relevant Foundation office of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law); please see above for details of why the Foundation may need to process your data and of who you may contact if you disagree.

The Foundation will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to Foundation systems. All staff and governors will be made aware of these policies and their duties under Data Protection Law and receive relevant training.

11. Queries and Complaints

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

If an individual believes that the Foundation has not complied with this Privacy Notice or acted otherwise than in accordance with Data Protection Law, they should utilise the Foundation's policy on Handling Concerns and Complaints from Parents Policy, or the Whistleblowing Policy and should also notify Maxine Zeltser in writing by email. Individuals can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the Foundation before involving the regulator.

12. Review and Monitoring of this Notice

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

Last Review: May 2023

Next Review: May 2025

This Policy was approved by the Nominations and Governance Committee of the Court of Governors, 21st September 2023