



## **PRIVACY NOTICE**

### **WHO WE ARE**

This Privacy Notice is provided by New Model School Company Limited, Company No.4892739 (the Data Controller), whose registered office is 62A Crownhill Road, London NW10 4EB, in order to comply with the relevant Data Protection Law (the details of which are listed at the end of this notice).

New Model School Limited (referred to as NMS throughout this notice) manages Maple Walk School and Faraday School (referred to throughout this notice as “the Schools”) whose premises are at 62A Crownhill Road, London, NW10 4EB and Old Gate House, 7 Trinity Buoy Wharf, London E14 0FH respectively.

Maple Walk and Faraday Schools are independent schools, educating children between the ages of 4-11 years old.

### **WHAT THIS PRIVACY NOTICE IS FOR**

This policy is intended to provide information about how NMS and the Schools acting on behalf of NMS, will use (or "process") personal data about individuals including: staff; current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand NMS and the Schools' obligations to their entire community.

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

This Privacy Notice also applies in addition to NMS and the Schools' other relevant terms and conditions and policies, including:

- any contract between NMS and its staff or the parents of pupils;
- the Schools' policies on taking, storing and using images of children;
- the Schools' CCTV policies
- NMS and the Schools' retention of records policies;
- the Schools' safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- NMS's and the Schools' IT policies, including the E safety policies, relevant sections in the Staff Code of Conduct policies, Remote Working policies and Bring Your Own Device policies.

Anyone who works for, or acts on behalf of NMS and the Schools (including staff, volunteers, directors, advisors and service providers) should also be aware of and comply with this Privacy Notice.

## **RESPONSIBILITY FOR DATA PROTECTION**

- The Chief Executive Officer of the New Model Schools Company will act as the Schools' Privacy and Compliance Officer. Who will deal with all your requests and enquiries concerning NMS and the Schools' uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policies and Data Protection Law

## **WHY NMS AND THE SCHOOLS NEED TO PROCESS PERSONAL DATA**

In order to carry out their ordinary duties to staff, pupils and parents, NMS and the Schools need to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of their daily operations.

Some of this activity NMS and the Schools will need to carry out in order to fulfil their legal rights, duties or obligations – including those under a contract with staff, and parents of pupils.

Other uses of personal data will be made in accordance with NMS's and the Schools' legitimate interests, or the legitimate interests of another party, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

NMS and the Schools expect that the following uses will fall within that category of their "**legitimate interests**":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);

- To provide education services, including musical education, physical training and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the Schools' communities, including direct marketing or fundraising activity.
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax or diversity );
- To enable relevant authorities to monitor the Schools' 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.
- To enable pupils to take part in external and internal assessments, and to publish the achievements of pupils of the Schools;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the Schools' IT and communications systems in accordance with the Schools' IT: E Safety policies;
- To make use of photographic images of pupils in the Schools' publications, on the Schools' websites and (where appropriate) on the Schools' social media channels in accordance with the Schools' policies on taking, storing and using images of children;
- For security purposes, including CCTV in accordance with the Schools' CCTV policies;
- To carry out or cooperate with any school or external complaint, disciplinary or investigation process; and
- Where otherwise reasonably necessary for NMS's and the Schools' purposes, including to obtain appropriate professional advice and insurance for the Schools.

In addition, NMS and the Schools will on occasion need to process **special category personal data** (for example concerning health and ethnicity) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on them 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;
- In connection with employment of staff, for example DBS checks, welfare, union membership or pension plans;
- As part of any school or external complaint, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with their legal obligations and duties of care.

## **TYPES OF PERSONAL DATA PROCESSED BY NMS AND THE SCHOOLS**

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- bank details and other financial information, e.g. about parents who pay fees to NMS;
- 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 Schools 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, present and prospective; and
- images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the Schools' CCTV systems (in accordance with the Schools' policies on taking, storing and using images of children);

## **HOW NMS AND THE SCHOOLS COLLECT DATA**

Generally, NMS and the Schools 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.

## **WHO HAS ACCESS TO PERSONAL DATA AND WHO NMS AND THE SCHOOLS SHARE THE DATA WITH**

Occasionally, NMS and the Schools will need to share personal information relating to their 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); and
- appropriate regulatory bodies e.g. the Independent Schools Inspectorate, the Health and Safety Executive, the Information Commissioner).

For the most part, personal data collected by NMS and the Schools will remain within the NMS head office and the Schools, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records
- pastoral or safeguarding files.

However information on drug reactions, major allergies and notable conditions will be available to all staff likely to have care of a pupil, particularly if the staff are required to administer medication or treatment.

In addition a certain amount of any SEN 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.

Staff, pupils and parents, are reminded that the Schools are under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) 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. For further information about this, please view the Schools' Safeguarding Policies.

In addition at class level the Schools maintain logs detailing behaviour, alleged bullying incidents, accidents and any other minor incidents noting where these have affected/are affecting any given child.

Finally, in accordance with Data Protection Law, some of NMS's and the Schools' processing activity is carried out on their behalf by third parties, e.g. information technology applications such as payroll processing, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with NMS and the Schools' specific directions.

## **HOW LONG WE KEEP PERSONAL DATA**

NMS and the Schools will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff personnel files is for a minimum of 7 years following the end of their employment with NMS and for pupil files until the individual reaches his or her 25<sup>th</sup> birthday, with the exception of Special Educational Needs records which are retained for 35 years. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

If you have any specific queries about how our retention policies are applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Privacy and Compliance Officer based at New Model Schools Head Office. However, please bear in mind that we will often have lawful and necessary reasons to hold on to some personal data even following such a 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 (called a "suppression record").

## **KEEPING IN TOUCH AND SUPPORTING THE SCHOOLS**

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

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the Schools' communities, such as the Friends of Maple Walk or the Friends of Faraday.
- Contact parents and/or alumni (including via the Friends of Maple Walk or the Friends of Faraday) by post and email in order to promote and raise funds for the Schools
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Privacy and Compliance Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, we are 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).

## **YOUR RIGHTS**

- Rights of access, etc.

Individuals have various rights under Data Protection Law to access and understand personal data about them held by NMS and the Schools, and in some cases ask for it to be erased or amended or have it transferred to others, or for NMS or the Schools 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 to how their personal data is used, should put their request in writing to the Privacy and Compliance Officer.

We 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 one month in the case of subject access requests).

We will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, we may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

- Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals, which will be redacted (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 NMS, or documents prepared in connection with a legal action).

The Schools are also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the Schools themselves for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal

data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. 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 NMS and the Schools, 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.

However notwithstanding the above, pupils of primary school age (under the age of twelve) are not 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.

- 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.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract. Where parents are separated, NMS and the Schools 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

All information requests 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 NMS and the Schools are relying on consent as a means to process personal data, any person may withdraw this consent at any time. Examples where we do rely on consent are: in the use of certain types of images of pupils and in the use of medical information. Please be aware however that NMS and the Schools 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 the parents' association has been requested).

- Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, NMS and the Schools 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 NMS and the Schools relying on strict consent (see section on Consent above).

In general, we 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 our 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 School may be under an obligation to maintain confidentiality unless, in the School's opinion, there is a good reason to do otherwise; for example where the School 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 Schools' pupil contract attached to the E-Safety policies and the Behaviour policies. Staff are under professional duties to do the same covered under the relevant Staff data protection policies, Staff code of conduct and E Safety policies.

### **DATA ACCURACY AND SECURITY**

NMS and the Schools 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 NMS or the Schools, 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 information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law); please see above for details of why NMS and the Schools may need to process your data, and below for details of who you may contact if you disagree.

NMS and the Schools 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 NMS and Schools' systems. All staff, directors and advisors will be made aware of these policies and their duties under Data Protection Law and receive relevant training.

### **THIS POLICY**

NMS 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.

### **QUERIES AND COMPLAINTS**

Any comments or queries on this policy should be directed to the Privacy and Compliance Officer at the New Model School Head Office, email address [deborah.livsey@newmodelschool.co.uk](mailto:deborah.livsey@newmodelschool.co.uk)

If an individual believes that NMS and the Schools have not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the Complaints procedure and should notify the Chief Executive Officer. You 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 before involving the regulator.

This policy will be reviewed annually in August



## **LEGAL AND REGULATORY FRAMEWORK**

This Privacy Notice has been prepared in accordance with the following laws:

- The General Data Protection Regulation
- The Data Protection Act 2018 and related legislation
- The Privacy and Electronic Communications Regulations 2011 (PECR) until replaced by the ePrivacy Regulation.)
- The Protection of Freedoms Act 2012 (biometrics and CCTV)

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