



## **How We Use Your Information Privacy Notice for Parents/Carers**

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**Orchard Hill College**

March 2018

## Parent Privacy Notice

### Introduction

This notice is to help you understand **how** and **why** we collect personal information about you and **what** we do with that information. It also explains the decisions that you can make about your own information.

The College Centres listed below are all part of Orchard Hill College. The College operates each College Centre and is ultimately responsible for how the College Centre handles your personal information.

- BedZED
- Beaconsfield Centre
- Lomond House
- Garrett House
- Quadrant House
- Green Man Skills Zone
- Vocational Centre (Nightingale)
- Vocational Progression Centre (VPC)
- 6<sup>th</sup> Form (Hillingdon)
- Wyvern House

If you have any questions about this notice please contact the Orchard Hill College (OHC) Data Protection Officer or the Strategic Head of Organisational Development (OD) & Human Resources (HR). The Data Protection officer can be contacted via email at [data.protection@ohcat.org](mailto:data.protection@ohcat.org), by telephone on 0345 402 0453, or via post to Orchard Hill College & Academy Trust, Quadrant House, 8<sup>th</sup> Floor, The Quadrant, Sutton, London SM2 5AS and the Strategic Head of OD & HR can be contacted by telephone on 0345 402 0453, or by the postal address detailed above.

### What is "personal information"?

Personal information is information that identifies you as an individual and relates to you.

This includes your contact details, next of kin and financial information. We will also hold information such as your religion or ethnic group.

### Our legal bases for using your information

This section contains information about the legal bases that we are relying on when handling your information.

The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 31 below.

**Table 1**

<u>Legal obligation ("LO")</u>
Where the College needs to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your

information to third parties such as the courts, the local authority or the police where legally obliged to do so.

Necessary for contract ("C")

We will need to use your information in order to perform our obligations under any contract we have with you, for example, if you buy tickets for an event.

Vital interests ("V")

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

Performance of a task carried out in the public interest ("PI")

The following are examples of when we use your information to perform tasks in the public interest:

- providing the student with an education;
- safeguarding and promoting your welfare, the student's welfare and the welfare of other children;
- facilitating the efficient operation of the College; and
- ensuring that we comply with all of our legal obligations.

Legitimate interests ("LI")

This means that the College is using your information when this is necessary for the College's legitimate interests except when your interests and fundamental rights override our legitimate interests.

We have a legitimate interest in using your information to:

- i. promote the College including fundraising and publicity;
- ii. preserve historical College records.

The College must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information 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.

**Table 2**

Substantial public interest ("SP")

The College is also allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example, the College may use medical information about you when looking after a student. We may also use other types of special category personal data about you when the College is inspected.

Social protection and social security laws ("ESP")

Also the College will use your information to comply with social protection law (e.g. to look after the student) and social security laws (e.g. to provide the young person with free College lunches/equipment if applicable).

Vital interests ("V")

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

Legal claims ("LC")

We are allowed to use your information if this is necessary in relation to legal claims. For example, this allows us to share information with our legal advisors and insurers.

Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

## How and why does the College collect and use personal information?

We set out below examples of the different ways in which we use personal information and where this personal information comes from.

1. The College's primary reason for using your personal information is to provide your young person with an education - LO, PI, SPI.
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, SPI, ESP, MP.
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, SPI, ESP.
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, SPI, ESP.
5. We use CCTV to make sure the College site is safe. Images captured of you via CCTV will be your personal data. CCTV is not used in private areas such as toilets, CT, PI, SPI.
6. 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, SPI.
7. Where appropriate, the College will have information about your religious beliefs and practices. For example, your young person may not eat certain foods, PI, SPI.
8. We may use photographs or videos of your young person to use on social media, the College of Trust website, prospectuses and/or publications. This is to show prospective parents and

students what we do here and to advertise the College. We may continue to use these photographs and videos after your young person has left the College - **LI**.

9. We will take photographs or videos of your young person at College/Academy events to inform on learning progress. **LI**.
10. 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**.
11. 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**.
12. If you buy things from the College such as tickets for events or sportswear, we may hold financial information about you - **CT, LI**.
13. 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 third parties

14. 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, SPI**.
15. On occasion, we may need to share your information with the police for the prevention and investigation of crime and the prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations - **LO, PI, SPI**.
16. 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, SPI**.
17. 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, SPI, LC**.
18. 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, SPI**.
19. We will share basic information (ie, name, address and contact details) with our Transport providers to facilitate safe transport for your child – **PI, CT**
20. We may share information about you with our insurance company, for example, where there is a serious incident at the College - **PI, SPI, LC**.
21. 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**.

22. 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, SPI**.
23. 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, SPI, MP**.
24. We will share information about you with medical professionals where there is support required for the medical needs of your young person. **PI, SPI, MP**.
25. 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, SPI**.
26. We will share information with the Youth Support Services as it has legal responsibilities regarding the education or training of 13-19 year-olds - **LO, PI, SPI**.
27. 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, SPI, ESP**.
28. 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, SPI, ESP**.
29. We may need to share information with third parties if there is an emergency, for example, if you are hurt whilst on our premises - **V, PI, SPI, MP**.
30. 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, V, PI, LC, MP**
31. 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, SPI**.

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.

### **Criminal offence information**

We may only use information relating to criminal convictions and offences where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations.

Less commonly, we may use information relating to criminal convictions and offences where it is necessary in relation to legal claims, where it is necessary to protect our students and you are not capable of giving your consent, or when you have already made the information public.

### **More than one basis**

As you will see from this Notice, in some cases we will rely on more than one basis above for a particular use of your information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on legal obligation to share personal information with the local authority in addition to the other legal bases which are noted for safeguarding purposes.

### **Consent**

We may ask for your consent to use your information in certain ways as an alternative to relying on any of the bases in the table 1 & 2 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 and we cannot rely 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 will send your information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we may:

- store your information on cloud computer storage based overseas.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

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 information 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 OHCAT 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 will keep some information after your young person has left the College, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your information 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/](http://www.orchardhill.ac.uk/about_us/policies/).

## What decisions can you make about your information?

From May 2018 data protection legislation gives you a number of rights regarding your information. Some of these are new rights whilst others build on your existing rights. Your rights are as follows:

- **Rectification:** if information 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 (please see "Our legal bases for using your information" above); and (c) the information is being processed by us on computer.
- **Restriction:** our use of information about you may be restricted in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your information where:
  - a. we are using it for direct marketing purposes (e.g. to send you the College magazine);
  - b. 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 bases for using your information" above; and
  - c. we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of you at a College/Academy event for historical reasons.

The OHC Data Protection Officer / Strategic Head of OD & HR can give you more information about your data protection rights.

## Further information and guidance

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 notice is to explain how we use your personal information. The OHC Data Protection Officer or the Strategic Head of OD & HR can answer any questions which you may have.

Please speak to the OHC Data Protection Officer / Strategic Head of OD & HR if:

- you would like to exercise any of your data protection rights mentioned above; or

- you would like us to update the information we hold about you; or
- you would prefer that certain information is kept confidential.

Orchard Hill College has a Data Protection Officer who can be contacted by email ([data.protection@ohcat.org](mailto:data.protection@ohcat.org)) or by telephone (0345 402 0453). The OHC Data Protection Officer monitors and advises on the College's data protection compliance.

If you consider that we have not acted properly when using your personal information you can contact the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF