



Myddelton College

Privacy Notice

Policy produced by	Headteacher (LDA)	
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Introduction:

The Directors of Myddelton College recognise that the processing of personal data is required to function. In accordance with Data Protection Law, the Directors are the 'data controllers', being the body that is ultimately responsible for the management and use of personal data. Myddelton College is part of IQ Education Ltd.

The parents' association ("The Friends of Myddelton College"), is exclusive to all parents whilst they have children at the college and whose activities are considered to be an intrinsic part of college activities and so any reference to the college and FOM within this policy is deemed to include the Friends of Myddelton College.

The Senior Leadership Team (SLT) determines data protection policies and entrusts the operational use of personal data to its designated employees who are, for the purposes of data protection law, defined as the data processors. The administration of personal data and compliance with prevailing data protection legislation and the college's data protection policies is delegated by the data controller to the data processors although ultimate responsibility for ensuring compliance lies with the data controller.

Public bodies are required to appoint a Data Protection Officer (DPO) who is defined in statute and is afforded specific duties and protections. Myddelton College is an independent college and therefore not required to appoint a DPO. The College feels that protection of personal data is so important that it has decided to appoint a person to ensure that this information is properly protected and used. The DPO is currently the Headteacher.

Current data protection law is [Data protection: The Data Protection Act - GOV.UK](#)

For the purposes of this policy the term 'parents' refers to the person having parental responsibility under S3 of the Children Act 1989 or a person who has a contractual relationship with the college to pay college fees.

Policy purpose:

This policy is intended to provide information about how the college will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents"). This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used.

Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the college's obligations to its entire community.

This Privacy Notice applies alongside any other information the college 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 the colleges' other relevant terms and conditions and policies, including:

- any contract between the college and its staff or the parents of pupils;
- any information necessary to facilitate business transactions between the pupil's fee payer and the college;
- the college's policy on taking, storing and using images of children;
- the college's CCTV and/or biometrics procedure
- the college's retention of records procedure
- the college's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the college's IT policies, including its Acceptable Use policy, eSafety policy and Bring Your Own Device procedures.

The Privacy Notice is not the same as the Privacy Policy found on the College website which deals solely with privacy issues that may arise from the use of the website. A link to this policy is below:

[Privacy Policy | Myddelton College](#)

Anyone who works for, or acts on behalf of, the college (including staff, volunteers, Directors and service providers) should also be aware of and comply with the college's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

In order to carry out its ordinary duties to staff, pupils and parents, the college may process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

Some of this activity the college will need to carry out in order to fulfil its 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 college's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The college expects that the following uses may fall within that category of its (or its community's) "legitimate interests":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the college community, including direct marketing or fundraising activity;

- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- To enable relevant authorities to monitor the college'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 college;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the college's IT and communications systems in accordance with the college's IT: acceptable use policy;
- To make use of photographic images of pupils in college publications, on the college website and (where appropriate) on the college's social media channels in accordance with the college's policy on taking, storing and using images of children;
- For security purposes, including CCTV in accordance with the college's CCTV policy; and
- Where otherwise reasonably necessary for the college's purposes, including to obtain appropriate professional advice and insurance for the college.
- To keep you informed of activities undertaken by parent volunteers and staff comprising the Friends of Myddelton (FOM)

In addition, the college may need to process special category personal data (concerning 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 may 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 where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of college trips;
- 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 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.); 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.

TYPES OF PERSONAL DATA PROCESSED BY THE COLLEGE

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);
- bank details and other financial information, e.g. about parents who pay fees to the college;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- references given or received by the college about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; and
- images of pupils (and occasionally other individuals) engaging in college activities, and images captured by the college's CCTV system (in accordance with the college's policy on taking, storing and using images of children);

HOW THE COLLEGE COLLECTS DATA

Generally, the college 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 may be supplied by third parties (for example another college, or other professionals or authorities working with that individual); or collected from publicly available resources.

The circumstances for third party data collection would be:

- Child's information from a college from which a child was leaving to join Myddelton College. This information includes standard admission data as set out above and also data relevant for Myddelton College to assess the child's educational needs which includes reports, test results, references and special education needs assessments.

- Information from the child's parents regarding unpaid fees at the departing college. This information may be used to apply additional fee payment conditions or decline a place at the college.
- Referral information from the Local Authority if the child was in state-funded education with specified special educational needs (referred to as "IDP pupils").
- Transfer of personal data to third parties who provide services to the college and where such information is necessary for them to ensure the safety and security of the child. Organisations with whom we would share information in these circumstances include, for example, our caterers and suppliers of goods and services for externally booked trips and excursions.

ACCESS TO PERSONAL DATA AND WHO THE COLLEGE SHARES IT WITH

Occasionally, the college will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority).

- All pupils' data will be transferred to the Alumni database. This data will be used to contact former pupils with newsletters and emails to inform them of reunions and social events at the college and around the country and also to contact for fundraising appeals.
- Parents/fee payer information may be passed to our appointed solicitors for the purposes of collecting unpaid fees
- Parents/fee payer and pupils/former pupils' information may be passed to our appointed solicitors for the purposes of contesting a complaint made by a parent/pupil.
- Parents/fee-payers contact information passed to the Friends of Myddelton (FOM) to make contact with newsletters and emails to inform them of Friends' meetings and social events.

For the most part, personal data collected by the college will remain within the college, 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 (these are held and accessed only by appropriate College staff
- pastoral or safeguarding files.

However, a certain amount of any ALN 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 college is under duties imposed by law and statutory guidance (including Keeping Learners Safe) 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 may 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 college's Safeguarding Policy.

All internet activity is monitored and any attempts to access prohibited websites are reported and referred to management for investigation.

Finally, in accordance with Data Protection Law, some of the college's processing activity is carried out on its behalf by third parties, such as IT systems, 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 the college's specific directions.

HOW LONG WE KEEP PERSONAL DATA

The college 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 and pupil personnel files is up to 7 years following departure from the college. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

INDIVIDUAL RIGHTS

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the college, and in some cases ask for it to be erased or amended or for the college 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, should put their request in writing to the Data Protection Officer.

The college 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 requests for access to information.

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

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege.

The college is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the college for the purposes of the education, training or employment of any individual.

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the college, they have sufficient maturity to understand the request they

are making (see section Whose Rights below). Indeed, while a person with parental responsibility will generally be expected to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 13 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. Children younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from pupils will therefore be considered on a case by case basis.

Where the college 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). Please be aware however that the college may 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 has been requested).

WHOSE RIGHTS

The rights under Data Protection Law belong to the individual to whom the data relates. However, the college will often rely on parental consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's 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 College 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, unless, in the College'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 college may be under an obligation to maintain confidentiality unless, in the college's opinion, there is a good reason to do otherwise; for example where the college 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 college's acceptable use policy and the college rules. Staff are under professional duties to do the same covered under the relevant staff policy.

DATA ACCURACY AND SECURITY

The college 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 Data Protection Officer of any changes to information held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Act): please see above.

The college 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 college systems.

All staff and Directors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Data Protection Officer using the following contact details office@myddeltoncollege.com

If an individual believes that the college has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the college complaints procedure and should also notify the Data Protection Officer.

The college 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 college before involving the regulator.