

SIEVEMK GATEWAY

Privacy Notice

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SIEVEMK GATEWAY

Creating Opportunities • Delivering Excellence • Changing Lives

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Overview

SIEVEMK Gateway is a company limited by guarantee (company number 07886477, registered charity 1146451). We take our responsibilities as a data controller seriously and are committed to using the personal data we hold in accordance with the law.

Who this Privacy Notice applies to?

This policy is intended to provide information about how SIEVEMK 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"), suppliers and contractors, donors, friends and supporters and other connected individuals. It also applies to visitors to SIEVEMK who may supply us with their personal data (e.g., when attending events). Collectively we refer to these individuals in this Privacy Notice as our Community. See also: Privacy Notice for Examination Candidates.

Anyone who works for, or acts on behalf of, SIEVEMK (including staff, supply staff, agency staff, trustees, other volunteers, and contractors) should also be aware of and comply with this Privacy Notice. The Privacy Notice for Examination Candidates and Data Protection Policy (as applicable), also provide further information about how personal data will be used.

What this privacy notice is for?

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 SIEVEMK's obligations to its entire community. This Privacy Notice applies alongside any other information provided 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 other relevant terms and conditions and policies, including:

- Any contract between SIEVEMK Gateway and its staff, or the parents of pupils
- Any policies or notices applicable to staff concerning the handling of personal data
- guidelines for data storage and retention
- the Safeguarding, Pastoral, and Health and Safety Policies, including as to how concerns or incidents are recorded.

Responsibility for Data Protection

The Data Protection Officer will deal with your requests and enquiries concerning use of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this Privacy Notice and Data Protection Law. If you have any questions about this Privacy Notice or how we use personal data please contact our CEO, Tony Oyakhire, by email tony.oyakhire@sievemk.org.uk or by post at SIEVEMK Gateway, 1st Floor The Point, 602 Midsummer Boulevard, Milton Keynes. MK9 3GN.

Why we need to process personal data

In order to carry out its ordinary duties to staff, pupils and parents, SIEVEMK needs to 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 is required 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 legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals and provided

these do not involve special or sensitive types of data. SIEVEMK expects that the following uses will fall within that category of its (or its community's) "legitimate interests":

- For the purposes of pupil selection, to confirm the identity of prospective pupils and their parents, including assessing eligibility for scholarship and means tested bursary awards and to retain a record if appropriate for the purposes of future applications or openings.
- To provide education services and monitoring pupils' progress and educational needs, including where such services are provided remotely (either temporarily or permanently), processing entries for public examinations and other assessments, publishing those results and other pupil results/achievements, reporting and storing examination and assessment results and reporting to parents on pupil progress.
- Maintaining relationships with alumnae and the wider community, by communicating with the body of current and former pupils and/or their parents or guardians and organising events 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 tax, diversity or gender pay gap analysis and census returns), to enable relevant authorities to monitor our performance and to intervene or assist with incidents as appropriate (e.g. recording accidents in accordance with our health and safety policies), keeping records for insurance purposes or to obtain appropriate professional advice, keeping financial information to process invoices, fee accounts and manage debtors, compiling information for inspection by OFSTED, and for commercial operations and other charitable activities.
- For security purposes, including CCTV.
- 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 safeguard pupils' welfare and provide appropriate pastoral care including recording concerns and incidences of bullying and support given.
- Promoting the aims and achievements of SIEVEMK through our website, publications, our social media platforms and sometimes in the media this includes making use of photographic images and/or videos of pupils (where all relevant consent has been received).
- For the purposes of fulfilling our duties as an employer including for the recruitment of staff, volunteers, and contractors, including appropriate safeguarding checks as required by law, payroll, and pension processing, keeping records of other staff matters including that relating to sickness, grievances and disciplinary action and providing and receiving references.
- For regulatory record keeping / compliance purposes in respect of immigration requirements, as an employer.
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process.

In addition we will on occasion 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 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 trips who need to be made aware of dietary or medical needs.
- To comply with public health requirements in respect of Covid-19 (or similar) testing: including managing on-site testing and/or processing the results of tests taken by pupils or other members of our community and sharing this information with relevant health authorities.
- To provide educational services in the context of any special educational needs of a pupil.
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans.
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are Special Educational Need / Disability (SEN), health or safeguarding elements.
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety and immigration/visa sponsorship compliance) and to comply with our legal obligations and duties of care.

Types of personal data processed

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 (or others) who pay our 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.
- Nationality and other immigration status information (e.g. right to work/study), including copies of passport information.
- Where appropriate, information about individuals' health and welfare, and contact details for their next of kin.
- References given or received 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) engaged in activities on the premises (with all the necessary consent in place).

How we collect data

Generally, SIEVEMK 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 or by engaging in various activities).

In some cases, personal data will be supplied by third parties (for example another school or employer, or other professionals or authorities working with that individual); or collected from publicly available resources.

Who has access to personal data and who we share it with?

Processing by third parties

For the most part, personal data collected by will remain within the organisation and will be processed by appropriate individuals only in accordance with access protocols (*i.e.* on 'a need to know' basis). However, some functions are outsourced including payroll, IT services, cloud storage, occupational health, monitoring, and 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 specific directions.

Data Sharing

Occasionally, SIEVEMK – including its trustees - will need to share personal information relating to its community of staff, pupils, and parents with third parties, such as:

- Professional advisers (*e.g.*, lawyers, insurers, PR advisers and accountants).
- Examination boards.
- Complaints panels, which will include independent panel members.
- Third parties and their advisers in the event of a possible or actual sale or merger.
- Government authorities (HMRC, UKVI, DfE, CAF/CASS, police, Home Office, a relevant public health / NHS body / local authority and/or Children Safeguarding Partnership Board); and/or appropriate regulatory bodies *e.g.*, the Teaching Regulation Agency (TRA), OFSTED, the Charity Commission, or the Information Commissioner).

Access to sensitive data

Particularly strict rules of access apply in the context of:

- Medical records
- Pastoral or safeguarding files.

Medical data

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

However, a certain amount of any Special Educational Need / Disability (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, pupils, and parents are reminded that under duties imposed by law and statutory guidance (including Keeping Children Safe in Education (KCSIE) – as updated) 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 Local Authority Designated Officer (LADO) or police. We keep a record of low-level safeguarding concerns that are reported even if they do not meet the statutory thresholds for reporting on a confidential basis. For further information about this, please view the Safeguarding and Child Protection Policy.

How long we keep personal data

We 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 although it is necessary to keep some information for longer. 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 long we keep records or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Data Protection Officer. However, please bear in mind that we 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.

SIEVEMK will retain Personal Data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. If you have any specific queries about how these guidelines are applied or wish to request that Personal Data that you no longer believe to be relevant is considered for erasure, please contact the Data Protection Officer. However, please bear in mind that we will often have lawful and necessary reasons to hold on to some personal data even following such request.

We will use the contact details of parents, alumnae and other members of our community to keep them updated about the activities and developments within SIEVEMK (including fundraising initiatives), and alumnae and parent events of interest, including by sending updates, invitations, and newsletters, by email and by post. We fundraise from individuals, companies and foundations who want to support our charitable purposes and do so in accordance with the Fundraising Promise and Fundraising Code of Practice.

You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, nonetheless we are 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

Access

Individuals have various rights under Data Protection Law to access and understand their own personal data held and processed by SIEVEMK, and in some cases ask for it to be erased or amended or have it transferred elsewhere, or for us to stop processing it – but subject to certain exemptions and limitations.

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 generally 40 days, but fulfilling more complex or multiple requests, e.g. those involving third party information, may take 1-2 months longer). We will require a fee for the administrative costs of complying with the request, or in certain cases refuse the request (but only where Data Protection Law allows it, and in accordance with the relevant regulatory guidance).

If you consider that the personal data we hold on you is inaccurate, please let us know. However we 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) is limited to your own personal data, and certain data is exempt. 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 SIEVEMK, or documents prepared in connection with a legal action, or where a duty of confidence is owed by a legal adviser).

SIEVEMK is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including mock exam scripts or other types of exams/tests used to assess performance – although markers' comments may still be disclosable if they constitute pupil personal data). We are also not required to provide examination or other test marks ahead of any ordinary publication date, nor share any confidential reference held that was (or will be) given for the purposes of the education, training, appointment, 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.

Requests by or on behalf of pupils

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of SIEVEMK, 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 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 of senior school age 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

Parental requests

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. We may consider if 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, we 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, 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

If we rely 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 certain types of use of images and certain types of fundraising activity. Please be aware however that we 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).

Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, SIEVEMK will often rely on parental authority or notice for the necessary ways it processes personal

data relating to pupils. Parents and pupils should be aware that this is not necessarily the same as 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, SIEVEMK 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 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, we may be under an obligation to maintain confidentiality unless there is a good reason to do otherwise; for example, where we believe disclosure will be in the best interests of the pupil or other pupils, or if required by law.

Staff and pupils are required to respect the personal data and privacy of others, and to comply with the Data Protection Policy.

Data Accuracy and Security

SIEVEMK 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 us 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 we may need to process your data, or who you may contact if you disagree.

We will take appropriate technical and organisational steps to ensure the security of personal data about individuals.

This Policy

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 our CEO, Tony Oyakhire (see responsibility for data protection above).

If an individual believes that SIEVEMK has not complied with this policy or acted otherwise than in accordance with Data Protection Law, you should contact the CEO).

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 with the Organisation before involving the regulator.