

GEORGE HERIOT'S SCHOOL

GENERAL PRIVACY NOTICE HOW WE USE YOUR PERSONAL INFORMATION

1. Who we are

George Heriot's School (the "**School**") is operated by George Heriot's Trust (a Scottish Charity, No SC011463) ("**Heriot's/we**"). We are part of the "**Heriot's Group**" which comprises George Heriot's Trust, Heriot Enterprises Limited, The Heriot's Centre for Sport and Exercise Limited, the George Heriot's School Parents' Association, The Heriot Club (the Heriot's former pupil association) and any other similar /affiliated association for former pupils of George Heriot's School.

We are committed to ensuring that your privacy is protected. This privacy notice sets out the basis on which any personal information we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal information and how we will treat it.

For the purpose of the Regulations, the "**data controller**" is George Heriot's Trust which is registered with the ICO under number Z6111378.

2. How to contact us

If you have any questions about this privacy notice or if you wish to exercise your data protection rights, initial enquiries should be directed to our Data Protection Administrator as follows:

- By post: Data Protection Administrator, George Heriot's Trust, Lauriston Place, Edinburgh, EH8 9HE
- By phone: 0131 229 7263
- By email: dataprotection@george-heriots.com

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

3. To whom does this privacy notice apply?

This privacy notice applies to:

- **Pupils:** all current, former or prospective pupils of George Heriot's School.
- **Parents:** all parents, carers, guardians and other individuals with parental responsibility for a Pupil.
- **Pupil Contacts:** other than a Parent, all individuals who are relevant contact persons of a Pupil, including emergency contacts, next of kin, other family members, bill payers, doctors, dentists and others.

- **Visitors:** all individuals who visit our campus (including Parents, Pupil Contacts and Contacts).
- **Donors:** all individuals (including without limitation former Pupils or Parents) who provide, or have provided, financial donations to Heriot's.
- **School Contacts:** all individuals who are our business, professional, regulatory or other contacts, where such individual or such individual's organisation: supplies goods or services to us, provides professional services to us, has expressed an interest in us or has any other business, professional, regulatory or other relationship with us (including where the individual's organisation is a public authority, regulatory authority or similar).
- **Trustees:** all individuals who are current or former or prospective trustees (also referred to as Governors) of Heriot's.
- **Directors:** all individuals who are current, former or prospective directors of a subsidiary company of the Heriot's Group.
- **Website Users:** all individuals who visit our website www.george-heriots.com (the Website)

This privacy notice does not apply to our employees, workers or other staff. We have separate privacy notices for such purposes.

4. Important definitions

For the purpose of this privacy notice:

"criminal records data" means personal data relating to criminal convictions and offences or related security measures, including without limitation (a) the alleged commission of offences by the data subject, or (b) proceedings for an offence committed or alleged to have been committed by the data subject or the disposal of such proceedings including sentencing,

"data subject" means the individual to whom the personal information relates.

"Regulations" means all laws that relate to data protection, privacy, the use of information relating to individuals, and or the information rights of individuals including, without limitation, the General Data Protection Regulation ((EU) 2016/679), the Data Protection Act 2018, the Privacy and Electronic Communication (EC Directive) Regulations 2003, and all and any regulations made under those acts or regulations, and all applicable formal or informal guidance, rules, requirements, directions, guidelines, recommendations, advice, codes of practice, policies, measures or publications of the Information Commissioner's Office, other relevant regulator, and or relevant industry body, all as amended or replaced from time to time.

"personal information" (or **"personal data"**) means information which relates to a living individual who can be identified (directly or indirectly) from that information.

"special categories of personal data" means personal information about an individual's race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (or non-membership), genetics information, biometric information (where used to identify an individual) and information concerning an individual's health, sex life or sexual orientation.

5. Data protection principles

The following principles, which are set out in the Regulations, will apply in connection with the processing of personal information by us:

- we will process personal information lawfully, fairly and in a transparent manner;
- we will collect personal information for specified, explicit and legitimate purposes only, and will not process it in a way that is incompatible with those legitimate purposes;
- we will only process personal information that is adequate, relevant and necessary for the relevant purposes;
- we will keep accurate and up to date personal information, and take reasonable steps to ensure that inaccurate personal information is deleted or corrected without delay;
- we will keep personal information for no longer than is necessary for the purposes for which the information is processed; and
- we will take appropriate technical and organisational measures to ensure that personal information is kept secure and protected against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

6. What personal information do we collect?

We may collect and use different kinds of personal information about you, strictly as required in relation to our relationship with you, including:

- **Pupils:**
 - identity data (such as name, data of birth, gender, nationality)
 - contact data (such as address, email address and telephone numbers)
 - academic data (such as academic records, academic history, admissions and attendance records, disciplinary records, examination scripts and marks, academic achievements and activities)
 - special educational needs and other health data including welfare records and pastoral information *
 - social and family life data (such as details of who a Pupil's Parents and Pupil Contacts are)
 - biometric data *
 - images (such as photographs or videos taken as part of School or extracurricular activities or events or captured on CCTV)
 - social media data (such as social media usernames and social media usage)

- **Parents:**
 - identity data (such a name, date of birth, gender, marital status, nationality)
 - contact data (such as home and business address, email address and telephone numbers)
 - financial data (such as bank details, payment history, financial information relevant to grant applications)
 - health data (where relevant to a Pupil or relevant to participation in a School or extracurricular activity or event) *
 - social and family life data (such as details of a Parent's status as parent, carer, guardian or other in relation to a Pupil)
 - social media data (such as social media usernames and social media usage)

- **Pupil Contacts:**
 - identity data (such as full name and title)
 - contact data (such as home or business address, email address and telephone numbers)
 - social and family life data (such as relationship to a Pupil)
 - professional data (such as job title and role, employer, professional credentials, where relevant)
 - social media data (such as social media usernames and social media usage)

- **Visitors:**
 - identity data (such as name and purpose of visit)
 - images (such as images captured on CCTV)

- **Donors:**
 - identity data (such as full name and title)
 - contact data (such as home or business address, email address and telephone numbers)
 - financial data (such as bank account details and payment details)
 - biographical data (such as previous attendance at the School)

- **School Contacts:**
 - identity data (such as full name and title)
 - contact data (such as business address, email address and telephone numbers)
 - employment or professional data (such as job title and role, employer, credentials)
 - transaction data (including details about products and services provided by you (or your organisation) to us, details of payments to and from you (or your organisation) and other details of our interactions including correspondence and conversations)

- **Trustees and Directors:**
 - identity data (such as full name, title, nationality and date of birth)
 - contact data (such as business address, home address, email address and telephone numbers)
 - employment or professional data (such as qualifications, employment history, credentials and other appointments)
 - participation data (such as participation in meetings of the Trustees or Directors)

- **Website Users:**
 - technical data (such as internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our Website)
 - usage data (such as information about your visit to our Website and how you use the Website)

*The personal data marked with an asterisk constitute **special categories of personal data** and will be processed by us in accordance with our Special Categories Policy (which forms part of our *GDPR Data Protection Policy - How to Handle Personal Data*).

We may from time to time obtain or be provided with **criminal records data** relating to Pupils, Parents, Pupil Contacts, or others (including Trustees or Directors). In the event that we acquire such information for any reason, we will process this in accordance with our **Criminal Records Information Policy (Pupils, Parents and others)**.

7. How do we obtain your personal information?

We use different methods to collect personal data from and about you including through:

- **Direct interactions:** You may give us or we may obtain your personal data when you correspond with us by post, phone, e-mail or otherwise, when you attend the School or one

of the School's activities or events, when you provide services or goods to us or when you negotiate or enter into a contract with us.

- **Indirect interactions (third parties):** We may receive or otherwise obtain personal data about you from various third parties, including as follows:
 - **Pupils:** we will obtain personal data about you from your Parents and Pupil Contacts and we may obtain personal data about you from your previous educational establishments and/or other professionals (including medical professionals) or organisations working with you.
 - **Parents:** we may obtain personal data about you from a Pupil or another Parent or a pupil Contact,
- **Automated technologies or interactions.** As you interact with our Website, we may automatically collect technical data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, and other similar technologies.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources, including as set out below:
 - **School Contacts, Trustees, Directors or Pupil Contacts:** your organisation or business may provide us with your identity, contact and employment data and we may receive information from third party references or from professional advisors. We may obtain identity, contact and employment data from publicly available sources such as Companies House or other organisations' websites.
 - **School Contacts, Donors and Parents** (suppliers and bill payers): we may obtain contact, financial and transaction data from providers of payment and credit card services.
 - **Website Users:** we may obtain technical data (relating to the use of our Website) from analytics providers or search information providers.
 - **All data subjects:** we may obtain personal data from publicly available sources such as social media (including LinkedIn, Twitter, Facebook and Instagram). We may also receive personal data from other members of the Heriot's Group or from external agencies and regulatory authorities (such as the Office of Scottish Charities Regulators, Scottish Qualifications Authority, Scottish Council of Independent Schools, Independent Schools Council or law enforcement agencies).

8. How we use personal information?

Personal information will be processed by us on the basis that the processing is necessary for 1) the performance of a contract with you (for example for the provision of educational services); or 2) the compliance with a legal obligation to which Heriotts is subject; or 3) our legitimate interests or those of a third party. Where appropriate (such as in relation to marketing and fundraising) personal information will be processed by us only where you have provided your consent to the processing. In

limited circumstances we may process personal information where necessary for the vital interests of the data subject or another individual.

Our legitimate interests include:

- pursuing our charitable aims and objectives;
- providing our educational services to Pupils;
- providing, organising and hosting extracurricular activities and events for Pupils, Parents and others;
- developing and improving our educational services;
- establishing, protecting and defending our legal rights;
- pursuing our commercial objectives where this does not override your rights and freedoms as a data subject.

We use this personal information for various purposes in connection with the educational and other services we provide, including but not limited to:

- carrying out our obligations arising from any contracts entered into between you and us;
- assessing applications for places at the School;
- assessing applications for funding of places at the School;
- providing educational services to Pupils;
- organising, hosting and providing extracurricular activities and events;
- maintaining Pupil's educational and welfare records;
- maintaining Pupil medical information;
- communicating with Pupils, Parents and Pupil Contacts, including by publishing the annual magazine *The Herioter* and the biannual magazine *The Quadrangle*;
- requesting and collecting payment for educational services or extracurricular activities or events, and credit control;
- running and administering Heriot's properly and efficiently, including assessing a prospective Trustee's suitability for the role, maintaining a register of Trustees, organising and holding meetings of the Trustees and complying with reporting obligations to the Office of the Scottish Charities Regulator;
- running and administering the Heriot's Group properly and efficiently, including assessing a prospective Director's suitability for the role, maintaining a register of Directors, organising

and holding meetings of the board of directors of each subsidiary company within the Heriot's Group and complying with reporting obligations to Companies House;

- statistical analysis;
- alumni information and historical records;
- ensuring that content from our Website is presented in the most effective manner for you;
- marketing services and fundraising for School development;
- fundraising for our charitable objectives; and
- compliance with applicable legislation, including without limitation child protection legislation.

We may from time to time process special categories of personal data and criminal records data relating to Parents and Pupils and others. For example, Pupils' medical records need to be processed for the provision of health care and general welfare purposes. To comply with child safeguarding legislation we may need to process information regarding criminal convictions or alleged offences. Such processing will be undertaken only as and when strictly necessary and with absolute respect to individual confidentiality,

For some of our activities or events, participants (whether Pupils, Parents or others) will be asked to provide medical, health and lifestyle-related information in order to enable an assessment to be made that it is safe for that Pupil or other individual to undertake that activity or participate in an event or in order to accommodate any dietary or other medical requirements.

We may use and share personal information (including special categories of personal data and criminal records data) in relation to assessments and actions we may take for child protection purposes under relevant legislation, for example raising a wellbeing concern with the appropriate child protection authorities and law enforcement agencies.

Where special categories of personal data or criminal records data is processed, we will usually do so on the basis that the processing is necessary (1) for reasons of substantial public interest (in particular the safeguarding of children and individuals at risk, support for individuals with a particular disability or medical condition or preventing or detecting unlawful acts), (2) for the protection of the vital interests of the data subject or another individual where the data subject is physically or legally incapable of giving consent, or (3) for the establishment, exercise or defence of legal claims.

In other circumstances we will seek the explicit consent of the data subject concerned to that processing (where explicit consent is the most appropriate bases of processing such special categories of personal data or criminal records data). For example, we process Pupils' biometric data in connection with catering and other services to the Pupils on the basis of the explicit consent of the relevant individual, and such consent may be refused or withdrawn at any time.

CCTV information and images are collected and used for crime prevention and public, pupil, staff and visitor safety. The areas where CCTV cameras are positioned within school grounds are clearly marked with appropriate notices.

9. Images

We may use photographs and video images of Pupils and staff for internal educational and recordkeeping purposes. This includes an annual photograph of each pupil (for the School's administrative records) as well as photographs and videos which are taken as part of the regular curriculum (participation in classes, class projects) or part of extracurricular activities or events (participation in sports, drama, etc), Where we process images for such purposes, we do so on the basis that this is necessary for our legitimate interests in administering the School, ensuring Pupil and staff safety, ensuring educational standards and using available technologies for educational purposes.

We may from time to time publish photographs or video images of Pupils, Parents, Pupil Contacts or staff on our Website, social media and/or in other publications. Items published will never identify Pupils or others by name (unless we have permission to do so), and we will always seek permission first before publishing such images.

10. Marketing and Fundraising

From time to time we may contact you, with your prior consent, by letter, telephone, email, text message or other form of electronic communication regarding fundraising activities and events, and commercial activities offered by the Heriot's Group or being offered by third parties on our premises. You may opt out of receiving such marketing or fundraising communications from us at any time, but please note that Parents cannot opt out from receiving information about current Pupils' educational progress and welfare.

Please see our Marketing Policy for more information on how we may contact you with regard to our marketing activities (where you have consented to this).

11. Who we share personal information with

Pupils' personal information (including special categories of personal data and criminal records data) will be shared with the relevant Pupil's parent or legal guardian in accordance with the terms of the contract between the Parent and Heriot's, unless we are legally obliged not to disclose such information or where a Pupil provides such personal information to us in confidence as set out in paragraph 18.

There are also other circumstances in which we may need to share your personal information with certain third parties, usually on a confidential, need-to-know basis. The third parties to whom we may transfer your personal information include:-

- other members of the Heriot's Group for administration, management, statistical analysis, and (where you have provided your consent) marketing and fundraising purposes.
- third-party services providers who provide catering, event management, excursion or other services.
- third-party service providers acting as processors who provide IT and system administration services, including cloud storage providers and ParentPay.
- professional advisers including lawyers, doctors, first aid providers and other medical practitioners (and such disclosure may include special categories of personal data and

criminal records data) for the purposes of receiving legal and medical services.

- other professional advisers including bankers, accountants, auditors and insurers who provide consultancy, banking, insurance and accounting services.
- any relevant accreditation body or trade association, such as the Scottish Qualifications Authority and EcoScotland, for the purpose of obtaining and maintaining accreditation standards.
- any relevant regulatory authority or law enforcement agency or other national external agency, including the Office of the Scottish Charities Regulator, Companies House, Scottish Council of Independent Schools, Police Scotland, HM Revenue & Customs, courts or tribunals for the purposes of child protection, fraud prevention or as otherwise required or permitted by law.
- any law enforcement agency, social services, child protection services or other relevant governmental or regulatory authority for the purposes of complying with GIRFEC (Getting It Right For Every Child).
- credit reference agencies and fraud prevention agencies, for the purposes of fraud prevention and credit assessments in connection with funding applications.
- NHS Lothian (and such disclosure will include special categories of personal data - NHS Health Information) for the purposes of the National Child Health Program,

We require all third-party service providers to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

Any sharing of your personal data will only take place either where we are legally obliged to do so, where it is necessary for the performance of a contract with you, where you have provided your consent, where it is necessary for the purpose of safeguarding children or where it is in our legitimate interests to do so, including as follows:

- to maintain network and information security;
- to provide educational services and extracurricular activities and events to Pupils and Parents;
- to pursue our charitable aims and objectives;
- to develop and improve our services in order to remain competitive;
- to establish, protect and defend our legal rights;
- to pursue our commercial objectives where this does not override your rights and freedoms as a data subject.

12. Security

We are committed to ensuring that your personal information is held and used securely. Your personal information is either stored in a secure database hosted onsite, access to which is controlled by appropriate security measures, or in an external "cloud" based system where suitable data sharing and privacy documentation has been checked, or in paper records in a secure filing system. In order to prevent unauthorised access or disclosure we have put in place suitable physical, electronic and managerial procedures to safeguard and secure your personal information.

When Pupils are out of school on an organised school activity, essential information regarding the Pupil including emergency medical information will be held securely by the trip organiser.

13. International transfers

We generally do not transfer your personal data out of the European Union (EU) and we seek to ensure that any externally hosted personal information is retained in the EI-J. However, whenever we are required to transfer your personal data out of the EU (for example where a third party supplier is located outside of the EU), we ensure a similar degree of protection is afforded to your personal information by ensuring that appropriate safeguards are implemented, including any of the following:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see *European Commission: Adequacy of the protection of personal data in non-EU countries*.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe, For further details, see *European Commission: Model contracts for the transfer of personal data to third countries*.
- Where we use providers based in the USA, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the European Union and the USA. For further details, see *European Commission: EU-US Privacy Shield*.
- You have provided your explicit consent to the transfer of your personal data outside of the EEA.
- The transfer is necessary for the purposes of performing a contract between us and you (the data subject).

We use our Website as well as social media (in particular Facebook (including Instagram) and Twitter) to provide additional information to Pupils and Parents about the Heriot's Group, including information about Pupils' special achievements and participation in sporting and other events and competitions. Our Website (hosted in the UK) and social media posts are generally publicly available both within and outwith the EEA.

While both Facebook and Twitter are headquartered in the USA, at present both entities have EU headquarters in Ireland and both entities are registered with Privacy Shield for specified purposes. In

each case, use of social media is subject to the relevant terms of use and privacy notices, which can be found on the relevant entity's website (<http://www.facebook.com> and <http://www.twitter.com>).

14. Automated decision making and profiling

We do not use automated decision-making (including profiling) to make any decisions which would produce a legal effect or similarly significantly affect a data subject.

15. How we use cookies on our Website

When we provide services or information, we want to make them easy, useful and reliable. Where services or information are delivered on the internet, this sometimes involves placing small amounts of information on your device, for example, computer or mobile phone. These include small files known as cookies, They cannot be used to identify you personally.

We will request your consent to use "cookies" when you access our Website.

We use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our website in order to tailor it to parent needs. We only use this information for statistical analysis purposes and then the data is removed from the system.

Google Analytics sets cookies to help us accurately estimate the number of visitors to the website and volumes of usage. This is to ensure that the service is available when you want it and fast.

For further details on the cookies set by Google Analytics, please refer to the Google Code website.

16. Retention of personal information

Personal information will be retained for as long as necessary to fulfil the purposes for which we hold such information, including for the purposes of satisfying any legal, accounting, or reporting requirements. Thereafter, except as set out in this notice, it will be securely destroyed.

Summarised pupil records and other categories of personal information forming the basis of our formal records and our detailed historical archives and may be retained indefinitely for reference, historical and research purposes. Such historical archives are not accessible to the public, except on application to the Data Protection Administrator and any access is subject to appropriate safeguards and supervision to maintain the confidentiality and integrity of any personal data forming part of such historical archives,

Please contact our Data Protection Administrator for further details about our retention policy.

17. Your rights

Your personal information is protected by legal rights, which include your rights to:

- **Request access to your personal data** (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it,
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, following your request.
- **Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party)** and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes.
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: if you want us to establish the data's accuracy; where our use of the data is unlawful but you do not want us to erase it; where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer of your personal data to you or to a third party (data portability).** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent** at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of these rights, please contact us using the details above,

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You also have the right to complain to the Information Commissioner's Office, which regulates the processing of personal data, about how we are processing your personal data.

18. Pupil/ Parent relationship

Data protection rights under the Regulations belong to the individual to whom the personal information relates. A Pupil can exercise any of his or her own data protection rights, provided that, where the Pupil is a minor, they have sufficient maturity (in the reasonable opinion of Heriot's and having regard to the Pupil's age, circumstances and understanding) to understand their rights and the implications of exercising any such rights. A Parent may exercise their child's data protection rights on their behalf, but Heriot's may ask the Parent to provide evidence of the child's authorisation where the child is an older Pupil.

Where consent is required for the purposes of processing personal information, for example for the purposes of publishing images on our Website, we may seek the consent of the child (with or without consultation with the relevant Parent) as the data subject, depending on the nature of the processing and the Pupil's age, circumstances and understanding.

Where a Pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal information being disclosed to their Parents or named Pupil Contact, we will maintain confidentiality unless we have reasonable grounds to believe that the Pupil does not fully understand the consequences of withholding his or her consent, or where we believe disclosure will be in the best interests of the pupil or other pupils for their safety or safeguarding.

Please contact our Data Protection Administrator for further details of how we manage the Pupil/Parent relationship for data protection purposes.

19. Privacy notice review and publication

This notice was last reviewed in February 2019. It is published on our Website and intranet and a copy is available on request. We intend to review this privacy notice regularly and will publish any changes on our Website and intranet and in information provided to prospective parents and pupils.

20. Further information

If you would like any further information about this privacy notice or how we collect, use or share your personal information please contact our Data Protection Administrator.