



## **Policy on Privacy**

### **1. WHO WE ARE**

Anfield School shall comply with the Personal Data (Privacy) Ordinance effective in Hong Kong from December 1996. For the purposes of this policy, 'The School' will refer to the Anfield School, Anfield International Kindergarten, and Anfield International Kindergarten & Nursery.

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

2.1 This policy is intended to provide information about how The School will use (or "process") personal data about individuals including: our staff; our current, past and prospective pupils; their parents, carers or guardians (referred to in this policy as "parents"); and our contractors.

2.2 This information is provided in accordance with the rights of individuals under Personal Data (Privacy) Ordinance, and all applicable data protection legislation, to understand how their data is used. Staff, parents, pupils and alumnae are all encouraged to read this Policy on Privacy and understand The School's obligations to its entire community.

2.3 This Policy on Privacy applies alongside any other information The School may provide about a particular use of personal data, for example when collecting data via an online or paper form.

2.4 This Policy on Privacy also applies in addition to The School's other relevant terms and conditions and policies, including:

- a) any contract between The School and its staff or the parents of pupils;
- b) The School's policy on Taking, Storing and Using Images of Pupils;
- c) The School's Surveillance and CCTV Code of Practice (Appendix 1);
- d) The School's retention of records practices;
- e) The School's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded;
- f) The School's IT policies, including its internet policy and e-safety policy

2.5 Anyone who works for, or acts on behalf of, The School (including staff, volunteers, School Board members and service providers) should also be aware of and comply with this Policy on Privacy and associated policies / procedures.

### 3. RESPONSIBILITY FOR DATA PROTECTION

- 3.1 The School has appointed The Principal as Data Protection Controller who will deal with requests and enquiries concerning The School's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and all applicable Data Protection legislation.

### 4. WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

- 4.1 In order to carry out its ordinary duties to staff, pupils and parents, The School 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.
- 4.2 Some of this activity The School 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, or where you have given permission for The School to use your personal data as outlined in the contract.
- 4.3 Other uses of personal data will be made in accordance with The School'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.
- 4.4 The School expects that the following uses will fall within that category of its (or its community's) "**legitimate interests**":
- a) For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
  - b) To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities (including trips) to pupils, and monitoring pupils' progress and educational needs;
  - c) To provide effective communication with parents, including reporting and about fees;
  - d) To facilitate effective communication within The School through staff handbooks and information management systems;
  - e) Maintaining relationships with alumni and The School community;
  - f) For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
  - g) For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as taxation records, diversity or gender pay gap analysis);
  - h) To enable relevant authorities to monitor The School's performance and to intervene or assist with incidents as appropriate;
  - i) 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;

- j) 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 School;
- k) To safeguard pupils' welfare and provide appropriate pastoral care;
- l) To monitor (as appropriate) use of The School's IT and communications system;
- m) To make use of photographic images of pupils in school publications, on The School website and (where appropriate) on The School's social media channels in accordance with The School's Taking, Storing and Using Images of Pupils Policy;
- n) For security purposes, including CCTV in accordance with The School's Surveillance and CCTV Code of Practice;
- o) To give and receive information and references about past, present and prospective staff;
- p) To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- q) Where otherwise reasonably necessary for The School's purposes, including to obtain appropriate professional advice and insurance for The School.

4.5 In addition, The School will on occasion need to process special category personal data (concerning health, ethnicity, religion, or sexual life, for example) or criminal records information (such as when carrying out DBS checks in the UK or the Sexual Conviction Record Check in Hong Kong) 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:

- a) To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- b) To provide educational services in the context of any special educational needs of a pupil;
- c) To provide spiritual education in the context of any religious beliefs;
- d) In connection with employment of its staff, for example DBS checks/ Sexual Conviction Record Check, welfare or pension plan;
- e) As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- f) 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.

## **5. TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL**

This will include by way of example:

- 5.1 Names, addresses, telephone numbers, e-mail addresses and other contact details;
- 5.2 Birth certificate, passport number and Hong Kong Identity Card (“HKID”) number;
- 5.3 Bank details and other financial information, e.g. about persons who pay fees to The School;
- 5.4 Past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- 5.5 Personnel files, including in connection with academics, employment or safeguarding;
- 5.6 Where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- 5.7 References given or received by The School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- 5.8 Correspondence with and concerning staff, pupils and parents past and present; and
- 5.9 Images of pupils (and occasionally other individuals) engaging in school activities, and images captured by The School's CCTV system (in accordance with The School's Taking, Storing and Using Images of Pupils Policy).

## **6. HOW THE SCHOOL COLLECTS DATA**

- 6.1 Generally, The School 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).
- 6.2 However in some cases personal data will be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

## **7. WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH**

- 7.1 Occasionally, The School will need to share personal information relating to its community with third parties, such as:
  - a) professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
  - b) government authorities (e.g. Labour Department, Immigration Department, Education Bureau, Department of Health, police or the local authority);
- 7.2 For the most part, personal data collected by The School will remain within The School, 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:
  - a) medical records held and accessed only by The School Principal and appropriate First Aid staff under his/her supervision, or otherwise in accordance with express consent; and
  - b) pastoral or safeguarding files.
- 7.3 However, a certain amount of any SEN pupil’s relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

- 7.4 Staff, pupils and parents are reminded that The School is under duties imposed by law and statutory guidance 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 police. For further information about this, please view The School's Safeguarding and Child Protection Policy.
- 7.5 Finally, in accordance with Personal Data (Privacy) Ordinance, some of The School's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is subject to contractual assurances that personal data will be kept securely and only in accordance with The School's specific directions.

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

- 8.1 The School 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 School. However, incident reports and safeguarding files could need to be kept much longer, in accordance with specific legal requirements. Files will be kept securely electronically and / or in hard copy. If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact The Principal (Data Protection Controller). However, please bear in mind that The School will often have lawful and necessary reasons to hold on to some personal data even following such request.
- 8.2 A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

## **9. KEEPING IN TOUCH AND SUPPORTING THE SCHOOL**

- 9.1 The School and/or any relevant other organisation will use the contact details of parents, alumni and other members of The School community to keep them updated about the activities of The School, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, The School will also:
- a) Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with The School community;
  - b) Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for The School and, where appropriate, other worthy causes;

- c) Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise The School's fundraising potential;
- 9.2 Should you wish to limit or object to any such use, or would like further information about it, please contact The Principal (Data Protection Controller) in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, The School is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

## **10. YOUR RIGHTS**

### **10.1 Rights of access, etc.**

- a) Individuals have various rights under Personal Data (Privacy) Ordinance to access and understand personal data about them held by The School, and in some cases ask for it to be erased or amended or have it transferred to others, or for The School to stop processing it – but subject to certain exemptions and limitations.
- b) Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to The Principal (Data Protection Controller).
- c) The School 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).

### **10.2 Requests that cannot be fulfilled**

- a) You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (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 The School, or documents prepared in connection with a legal action).
- b) The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination marks ahead of any ordinary publication, nor share any confidential reference given by The School itself for the purposes of the education, training or employment of any individual.
- c) 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 Policy on Privacy. All such requests will be considered on their own merits.

### **10.3 Pupil requests**

- a) Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of The School, they have sufficient maturity to understand the request they are making (see section Whose Rights? below). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.
- b) 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. Pupils aged 13 and above 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. Slightly younger may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

### **10.4 Parental requests, etc.**

- a) 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. The School may consider there are lawful grounds for sharing with or without reference to that pupil.
- b) Parents will in general receive educational and pastoral updates about their children, in accordance with the Terms and Conditions. Where parents are separated, The School 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 and instructions from Court orders. 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.

### **10.5 Consent**

- a) Where The School 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). Examples of where we do rely on consent are the use of certain types of images and certain types of fundraising activity. Please be aware however that The School may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.
- b) That reason will usually have been asserted under this Policy on Privacy, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or Friends of Anfield has been requested).

## **11. WHOSE RIGHT?**

- 11.1 The rights under Personal Data (Privacy) Ordinance belong to the individual to whom the data relates. However, The School will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as The School relying on strict consent (see section on Consent above).
- 11.2 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. 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.
- 11.3 In general, The School will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in The School's opinion, there is a good reason to do otherwise.
- 11.4 However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, The School may be under an obligation to maintain confidentiality unless, in The School's opinion, there is a good reason to do otherwise; for example where The School believes disclosure will be in the best interests of the pupil or other pupils, or if required by law.
- 11.5 Pupils are required to respect the personal data and privacy of others, and to comply with The School's policies and The School Rules. Staff are under professional duties to also comply The Schools IT policies.

## **12. DATA ACCURACY AND SECURITY**

- 12.1 The School 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 following: Human Resources Department for staff, Admissions Department for pupils / parents and Admin Office for Alumni of any significant changes to important information, such as contact details, held about them.
- 12.2 An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Personal Data (Privacy) Ordinance): please see above for details of why The School may need to process your data, or who you may contact if you disagree.
- 12.3 The School 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 school systems. Staff and School Board members will be made aware of this policy and their duties under Personal Data (Privacy) Ordinance and receive relevant training.

### **13. THIS POLICY**

The School will update this Policy on Privacy from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

### **14. QUERIES AND COMPLAINTS**

14.1 Any comments or queries on this policy should be directed to The Principal (Data Protection Controller).

14.2 If an individual believes that The School has not complied with this policy or acted otherwise than in accordance with Personal Data (Privacy) Ordinance, they should notify The Principal (Data Protection Controller). You can also make a referral to or lodge a complaint with the Privacy Commissioner for Personal Data (PCPD), although the PCPD recommends that steps are taken to resolve the matter with The School before involving the regulator.

**SURVEILLANCE AND CCTV CODE OF PRACTICE**

1. The School understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles.
2. The School notifies all pupils, staff and visitors of the purpose for collecting surveillance data via signs in The School grounds where cameras are based.
3. CCTV cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose.
4. All surveillance footage will be kept for between 10 days and 41 days dependent on the coverage for security purposes; the Principal is responsible for keeping the records secure and allowing access.
5. The School has a surveillance system for the purpose of the prevention and detection of crime and the promotion of the health, safety and welfare of staff, pupils and visitors.
6. The surveillance and CCTV system is owned by The School and images from the system are strictly controlled and monitored by authorised personnel only.
7. The School will ensure that the surveillance and CCTV system is used to create a safer environment for staff, pupils and visitors to the school, and to ensure that its operation is consistent with the obligations outlined in data protection legislation.
8. The surveillance and CCTV system will:
  - Be designed to take into account its effect on individuals and their privacy and personal data.
  - Be transparent and include a contact point, the Principal, through which people can access information and submit complaints.
  - Have clear responsibility and accountability procedures for images and information collected, held and used.
  - Have defined policies and procedures in place which are communicated throughout The School.
  - Only keep images and information for as long as required.
  - Restrict access to retained images and information with clear rules on who can gain access.
  - Consider all operational, technical and competency standards, relevant to the surveillance and CCTV system and its purpose, and work to meet and maintain those standards in accordance with the law.
  - Be subject to stringent security measures to safeguard against unauthorised access.
  - Be regularly reviewed and audited to ensure that policies and standards are maintained.
  - Only be used for the purposes for which it is intended, including supporting public safety, the protection of pupils, staff and volunteers, and law enforcement.
  - Be accurate and well maintained to ensure information is up-to-date.