



Methodist Independent Schools Trust (MIST)

PRIVACY NOTICE (June 2020 Update)

WHO WE ARE

Methodist Independent Schools Trust (MIST) is an educational charity operating in England and Wales. MIST Head Office is based at 25 Marylebone Road, London, NW1 5JR. MIST can be contacted on 020 7935 3723 and admin@methodistschools.org.uk. MIST's charity registration number is 1142794 and company number is 07649422.

Under a Unified Corporate Model, MIST oversees 8 Trust Schools and 4 Acquired Schools. MIST Head Office is the data controller for the Head Office only; the Schools are data controllers in their own right. MIST acknowledges its responsibility under the General Data Protection Regulation and the Data Protection Act (2018) together with any other related legislation (referred to in this Privacy Notice as "Data Protection Law"), as a data controller.

Throughout this Privacy Notice a distinction is made between MIST Head Office (a single administrative office based in London) and the 'Trust' group which encompasses the 8 Trust Schools and 3 Acquired Schools.

WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how the MIST Head Office will use (or "process") personal data about individuals including: its staff; volunteers; pupils and their parents, carers or guardians (referred to in this policy as "parents") past or present.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, volunteers, parents and pupils (past and present) are all encouraged to read this Privacy Notice and understand the MIST Head Office's obligations.

This Privacy Notice applies alongside any other information MIST Head Office may provide about a particular use of personal data, for example when collecting data via an online or paper form – see Appendix 1 for C-19 statement.

This Privacy Notice also applies in addition to the MIST Head Office's other relevant terms and conditions and policies, including:

- MIST Head Office's retention of records policy;
- the Trust's safeguarding, pastoral, or health and safety policies, including how concerns or incidents are recorded; and
- MIST Head Office's IT policies, including its Acceptable Use policy, Remote Working policy and Bring Your Own Device policy.



Anyone who works for, or acts on behalf of, the Trust and MIST Head Office (including staff, volunteers and service providers) should also be aware of and comply with this Privacy Notice and, if applicable, the Data Protection policy for staff/volunteers, which also provides further information about how personal data about individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

MIST Head Office has appointed the Information & Communications Manager as Data Protection Lead (DPL). The DPL will deal with your requests and enquiries concerning MIST Head Office's uses of your personal data (see section on Your Rights below) and endeavour to ensure that personal data is processed in compliance with this policy and Data Protection Law. Information & Communications Manager (dataprotection@methodistschools.org.uk, 020 7935 3723)

WHY MIST HEAD OFFICE NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, volunteers, pupils and parents, MIST Head Office needs to process a wide range of personal data about individuals (including current, past and prospective staff and volunteers, pupils or parents) as part of its operations.

Some of this processing the Trust and MIST Head Office 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 Trust's and MIST Head Office'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.

MIST Head Office expects that the following uses will fall within the category of its "legitimate 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);
- To enable relevant authorities to monitor performance and to intervene or assist with incidents as appropriate;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of MIST Head Office's IT and communications systems in accordance with MIST Head Office's IT: Acceptable Use policy;
- To make use of photographic images of pupils in Trust publications and on the Trust website in accordance with the Trust Schools' and Acquired Schools' policy on taking, storing and using images of children (MIST Head Office does not use social media);



- To carry out or cooperate with any MIST Head Office, Trust or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the MIST Head Office's and the Trust's purposes, including to obtain appropriate professional advice and insurance.

In addition, MIST Head Office will on occasion need to process special category (sensitive) personal data (concerning health, religion for example) 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;
- To ensure that a School's Trust Deed requirements for diversity in religious affiliation is adhered to;
- In connection with employment of its staff, or Trust volunteers, for example DBS checks, welfare or pension plans;
- As part of any MIST Head Office or Trust complaints or external complaints, disciplinary or investigation process that involves such data, for example if there are health or safeguarding elements;
- 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 MIST HEAD OFFICE

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. expenses paid to volunteers;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- correspondence with and concerning staff, volunteers, pupils and parents past and present; and
- images of pupils (and occasionally other individuals) engaging in school activities, in accordance with the Trust Schools' and Acquired Schools' policy on taking, storing and using images of children).



HOW MIST HEAD OFFICE COLLECTS DATA

Generally, MIST Head Office receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form (e.g. Trustee application form and a Bursary application form), or simply in the ordinary course of interaction or communication (such as email).

However, in some cases personal data will be supplied by third parties (for example the Methodist Church, or other professionals or authorities working with MIST Head Office); or collected from publicly available resources for example the Get Information About Schools service offered by the Department of Education <https://get-information-schools.service.gov.uk/>

WHO HAS ACCESS TO PERSONAL DATA AND WHO MIST HEAD OFFICE SHARES IT WITH

Occasionally, MIST Head Office will need to share personal information relating to staff, volunteers, pupils and parents, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. NCTL, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner.

MIST Head Office provides administration to the wider Trust and therefore contact data is shared within the Group's schools and volunteers within the Trust and Schools. (e.g. the Directory of Group Contacts).

Personal data collected by MIST Head Office will remain within MIST Head Office (in hardcopy or electronically) 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 safeguarding files.

Staff, volunteers, pupils and parents are reminded that MIST Head Office, on behalf of the Trust, is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) 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 LADO or police. For further information about this, please view the Trust's Safeguarding Policy, which is updated and approved by the Trust annually.

The Trust has also issued guidance on Low-Level Concerns. The Schools will have appropriate privacy notices referring to the data collected and how it is processed by themselves as data controllers.

Finally, in accordance with Data Protection Law, some of MIST Head Office's and Trust's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers (for example Board Intelligence). This is subject to contractual assurances that personal data will be kept securely.



HOW LONG WE KEEP PERSONAL DATA

MIST Head Office will retain personal data securely and 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 volunteer personnel files is up to 7 years following departure from the Trust. However, 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 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 Information & Communications Manager (dataprotection@methodistschools.org.uk, 020 7935 3723). However, please bear in mind that the Trust 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 (called a "suppression record").

YOUR RIGHTS

- **Rights of access – Data Subject Access Requests (DSARs)**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by MIST Head Office, and in some cases ask for it to be erased or amended or have it transferred to others, or for MIST Head Office to stop processing it – but subject to certain exemptions and limitations. You can find out more about your rights under applicable Data Protection Law from the Information Commissioner's Office website available at www.ico.org.uk.

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 Information & Communications Manager (dataprotection@methodistschools.org.uk).

MIST Head Office 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).

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

- **Requests that cannot be fulfilled**

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, or



information which is subject to legal privilege (for example legal advice given to or sought by MIST Head Office, or documents prepared in connection with a legal action).

MIST Head Office is also not required to share any confidential reference given by the MIST Head Office itself for the purposes of the education, training 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 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.

- **Pupil requests**

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of MIST Head Office, they have sufficient maturity to understand the request they are making. A pupil of any age may ask a parent or other representative to make a subject access request on his/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.

Pupils at aged e.g. 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 children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- **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. MIST Head Office may consider 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 from their child's school.

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**

Where MIST Head Office 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). An example where we do rely on consent is Bursary applications. Please be aware however that MIST Head Office 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).

DATA ACCURACY AND SECURITY

MIST Head Office will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as requested. Individuals must please notify the Information & Communications Manager (dataprotection@methodistschools.org.uk) 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 information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why MIST Head Office may need to process your data, of who you may contact if you disagree.

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

THIS POLICY

MIST Head Office will update 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 the Information & Communications Manager (dataprotection@methodistschools.org.uk, 020 7935 3723).

If an individual believes that MIST Head Office has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the Trust's complaints procedure and should also notify the Information & Communications Manager. 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 data controller before involving the regulator.

Date: June 2020

Review: February 2021



Appendix C-19 statement

The Coronavirus Covid-19 pandemic has introduced and enhanced ways of working that have data governance implications. Methodist Independent Schools Trust (MIST) Head Office remains committed to data governance regulations and continues to work to instil the best technical and organisational solutions to ensure data integrity during these exceptional times.

A significant number of online data is managed by the Head Office and the below are examples of data processing currently occurring in addition to those already outlined in the Privacy Statement:

- Online Meetings – MIST meetings are now conducted online using an application called Zoom. Zoom has been optimised as far as technically possible to ensure that it is secure. The Zoom privacy policy was last updated on 29 March 2020. MIST deploys the following protocols when using Zoom:
 - All meetings are password protected;
 - All meetings are locked (meaning that no new users can log in without un-locking the meeting) 15 minutes after the published start of the meeting;
 - Meetings data has been optimised so that it remains on European Servers. Zoom is based in USA, this means that data is transferred to the USA.
 - Meetings are not recorded by MIST. Should there be a need to record meetings, permission will be sought in writing from attendees. The recording will be kept in line with data retention policies;
 - Within the Zoom application users are able to use the chat facility but are not able to save the chat contents;
 - Best practice is to assign a co-host in addition to a host to ensure continuity of service and security;
 - The 'Waiting Room' feature is enabled and hosts will allow users to enter a meeting once their identity has been established.
 - Screen sharing is enabled but controlled by the host and only the host can access/amend the screen share when participants are sharing their screen.
- Voicemail messages – While the MIST Office is physically closed the office staff have calls diverted to their BT Cloud Phone App. The retention policy enforced by BT Cloud Phone services for voicemails is 90 days – MIST has not amended this. Voicemails to the main office number will be available to office staff via email and via their mobile handsets.
- ICT security – general protocols include:
 - Connections to server are secured via VPN encryption and multi-factor access
 - Connections to Office 365 are secured via multi-factor access