



SHERBORNE
INTERNATIONAL

SHERBORNE

PRIVACY NOTICE

WHO WE ARE

Sherborne School (Leisure) Ltd (the Leisure Company) is registered in England and Wales under the Companies Act (company number **04332724**). Its registered address is Sherborne School (Leisure) Ltd, The Bursary, Abbey Road, Sherborne, Dorset, DT9 3LF. Sherborne School (Leisure) Ltd is part of Sherborne School which is registered in England and Wales under the Companies Act (company number 4002575) and registered with the Charity Commission for England and Wales (registration number 1081228). Its address is Sherborne School, Abbey Road, Sherborne, Dorset, DT9 3LF. For the purposes of this policy Sherborne School includes, Sherborne International, Sherborne Foundation and the Sherborne School Trading Companies.

The Leisure Company owns and operates its own website www.sherbornesports.co.uk. The legal jurisdiction of the website is England and Wales (Jurisdiction). Access and use of the site and its content is subject to the terms and conditions of this Privacy Notice and all applicable laws. By accessing and using this site you accept and agree to these without any limitation or qualification.

WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how the Leisure Company will use (or "process") personal data about individuals including: its staff; its current, past and prospective members; Sherborne School Pupils, and their parents, carers or guardians (referred to in this policy as "parents"), other users of the School's facilities and visitors.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, members, parents and pupils are all encouraged to read this Privacy Notice and understand the Leisure Centre's obligations to its entire community.

This **Privacy Notice** applies alongside Sherborne School's Privacy Notice www.sherborne.org/school-policies and any other information the Leisure Company and Sherborne School may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This **Privacy Notice** also applies in addition to the Leisure Company's other relevant terms and conditions and policies, including:

- Any contract between the Leisure Company, its members, staff, parents of pupils or third party suppliers;
- the Leisure Company and Sherborne School's policy on taking, storing and using images of children;
- Sherborne School's CCTV and/or biometrics policy;
- Sherborne School's retention of records policy;

- Sherborne School’s safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- The School's ICT policies, including its Acceptable Use Policy and Mobile and Remote Working Policy.

Anyone who works for, or acts on behalf of, the Leisure Company and Sherborne School (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The Leisure Company and Sherborne School’s Information Governance and Privacy Compliance Officer will deal with all your requests and enquiries concerning the Leisure Company’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 Data Protection Law. The Information Governance and Privacy Compliance Officer is Mrs Penny Baker, she may be contacted at Penny.Baker@sherborne.org or Sherborne School, Abbey Road, Sherborne, Dorset, DT9 3LF.

WHY THE LEISURE COMPANY NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, members, pupils and parents, the Leisure Company needs to process a wide range of personal data about individuals as part of its daily operation. The Leisure Company uses for this purpose its own databases, and various systems, equipment and policies owned and managed by the parent company, Sherborne School.

Some of this activity will need to be carried out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or members.

Other uses of personal data will be made in accordance with the Leisure Company’s legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The Leisure Company expects that the following uses will fall within that category of its (or its community’s) “**legitimate interests**”:

- For the purpose of registration to enable customers to become a member of the Leisure Company and use the facilities provided at Sherborne Sports Centre.
- To provide physical training or spiritual development and co-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with members and the Sherborne School community, including direct marketing or fundraising activity;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law;
- To enable relevant authorities to monitor the Leisure Company’s performance and to intervene or assist with incidents as appropriate;
- To receive information about past, current and prospective members;

- To safeguard the welfare of vulnerable adults and pupils, and provide appropriate pastoral care;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's ICT Acceptable Use Policy;
- To make use of photographic images (where appropriate) of staff and members in publications, on the Sports Centre website and social media channels in accordance with the Sherborne School's policy on taking, storing and using images of children;
- For security purposes, including CCTV in accordance with Sherborne School's CCTV policy;
- To carry out or cooperate with any external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the Leisure Company's purposes, including to obtain appropriate professional advice and insurance for the Leisure Company.

In addition, the Leisure Company 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 and members welfare, and provide where appropriate pastoral and 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 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 organisers of School and public events who need to be aware of dietary or medical needs;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- To run any of its systems that operate on biometric data
- 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
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE LEISURE COMPANY

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about members and other people who pay fees to the Leisure Company;
- staff personnel files, including in connection with employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- correspondence with and concerning staff and members past and present; and

- images of staff and members (and occasionally pupils) engaging in activities, and images captured by Sherborne School's CCTV system (in accordance with the School's policy on taking, storing and using images of children);

HOW THE LEISURE COMPANY COLLECTS DATA

Generally, the Leisure Company receives personal data from the individual directly in the form of memberships. This may be via a form, or simply in the ordinary course of interaction or communication as email or the completion of a web site enquiry under the “contact us” section.

However in some cases personal data will be supplied by third parties, for example other professionals or authorities working with that individual; or collected from publicly available resources

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE LEISURE COMPANY SHARES IT WITH

Occasionally, the Leisure Company will need to share personal information relating to its community with third parties, 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 authorities (e.g. NCTL, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner).

For the most part, personal data collected by the Leisure Company will remain within the Leisure Company and Sherborne 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:

- medical records [held and accessed only by fitness instructors, medical professionals under his/her supervision, or otherwise in accordance with express consent]; and
- financial records for the processing of membership payments

Staff, members, pupils and parents are reminded that the Leisure Company as part of Sherborne School 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 Local Authority Designated Officer or police. For further information about this, please view the Sherborne School’s Safeguarding Policy (www.sherborne.org).

Finally, in accordance with Data Protection Law, some of the Leisure Company's processing activity is carried out on its behalf by third parties, such as ICT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the Leisure Company's specific directions.

HOW LONG WE KEEP PERSONAL DATA

The Leisure Company and Sherborne School will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. The School's Records Retention Policy sets out the arrangements for record retention and 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 School's Information Governance and Privacy Compliance Officer at Sherborne School. However, please bear in mind that we will 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")

KEEPING IN TOUCH AND SUPPORTING THE LEISURE COMPANY

The Leisure Company and/or any relevant other organisation will use the contact details of members to keep them updated about the activities of the Sports Centre, including events of interest, by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the Leisure Company will also:

- Contact members by post and email in order to promote and raise funds for a charity for example;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the School's Information Governance and Privacy Compliance Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the Leisure Company 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).

YOUR RIGHTS

- **Rights of access, etc.**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the Leisure Company and Sherborne School, and in some cases ask for it to be erased or amended or have it transferred to others, or for the Leisure Company and School to stop processing it - but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, should put their request in writing to the School's Information

Governance and Privacy Compliance Officer, Mrs Penny Baker, Penny.Baker@sherborne.org or Sherborne School, Abbey Road, Sherborne, Dorset, DT9 3LF.

The Leisure Company will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, (which is one month in the case of requests for access to information).

The Leisure Company 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, the Leisure Company 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 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 the Leisure Company, or documents prepared in connection with a legal action).

The Leisure Company is also not required to disclose nor share any confidential reference nor any confidential reference given by the Leisure Company 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 or stop processing personal details; 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 from children**

Children including pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the School and or Leisure Company, they have sufficient maturity to understand the request they are making (see section **Whose Rights** below). A child 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 expected to make a subject access request on behalf of younger children, the law still considers the information in question to be the child’s: the parent making the request may need to evidence their child’s authority for the specific request.

Children 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 children may however be sufficiently mature to have a say in this decision depending on the child and the circumstances.

- **Parental requests etc.**

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 children without their consent. The School and or Leisure Company may consider there are lawful grounds for sharing with or without reference to that child.

All information requests from, on behalf of, or concerning children – whether made under subject access or simply as an incidental request – will be considered in a case by case basis.

- **Consent**

Where the Leisure Company and or Sherborne 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). Please be aware however that the Leisure Company and or Sherborne School 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, or because a purchase of goods, services or membership of an organisation has been requested).

- **Whose rights?**

The rights under Data Protection Law belong to the individual to whom the data relates. However, the Leisure Company and or School will often rely on parental authority or notice for the necessary ways it processes personal data relating to children – for example, under the parents contract, or via a form. Parents and children should be aware that this is not necessarily the same as the School 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 child's age and understanding, it is more appropriate to seek the child's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the 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.

However, where a child 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 Leisure Company and or School may be under an obligation to maintain confidentiality unless, in the Leisure Company's and or School's opinion, there is a good reason to do otherwise; for example where the Leisure Company's and or School believes disclosure will be in the best interests of the child or other children, or if required by law.

Pupils are required to respect the personal data and privacy of others, and to comply with the School's ICT Acceptable User Policy and the School rules. Staff are under professional duties to do the same covered under the Code of Conduct

DATA ACCURACY AND SECURITY

The Leisure Company 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 Sports Centre Manager of any changes to information held about them.

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

The Leisure Company 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 software systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the School's Information Governance and Privacy Compliance Officer.

If an individual believes that the Leisure Company has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise Sherborne School's complaints / grievance procedure and should also notify the School's Information Governance and Privacy Compliance Officer, Mrs Penny Baker, Penny.Baker@sherborne.org or Sherborne School, Abbey Road, Sherborne, Dorset, DT9 3LF. 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 School before involving the regulator.

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