



## PRIVACY POLICY

**Approved by: Karen Pickles**  
**Designated Safeguarding Lead**  
**Date: 20<sup>th</sup> September 2023**

### POLICY REVISION RECORD (annual reviews)

Date	Section	Revision/review	Updated by
24/05/2019			Karen Pickles
30/05/2020		Additional helpline added	Karen Pickles
19/07/2021			Karen Pickles
24/08/2022			Karen Pickles
19/09/2023	Re-written policy	Updated and re-styled to include all above as required and reviewed for 2023	Karen Pickles

## **PERSONAL DATA**

Berkeley Guardians may process a range of personal data about past, current and prospective clients and host families as part of its daily operation.

For example:

- For enrolling new clients and host families with its range of services (and to confirm the identity)
- To provide guardianship services to pupils at boarding schools and students at universities
- To continue to develop strong relationships with our community and marketing our activities
- To manage and continue to develop strong relationships with host families
- To enable relevant authorities to monitor our performance and to intervene as required when appropriate
- To ensure we carry out our safeguarding obligations to our pupils and students
- To monitor our communication systems in accordance with our Acceptable Use policy and E-safety policy
- To make use of photographic images of clients etc as needed and with permission from our community for social media, marketing and website
- To obtain professional advice or insurance for the company

## **TYPES OF PERSONAL DATA USED**

This includes:

- names, addresses, telephone numbers, email addresses and other contact details
- medical information relating to students in the care of College Guardians
- personal information relating to host families
- communication record (letter, email or SMS)
- credit/debit card details in the case of customers asking to pay invoices by this means
- images of pupils, parents and host families (in accordance with our policy on taking, storing and using images of children)

## **LEGAL BASIS FOR PROCESSING DATA**

Berkeley Guardians expects that much of its data processing may fall within the category of its (or its community's) "legitimate interests" provided that these are not outweighed by the impact on individuals and provided it does not involve special or sensitive types of data.

## **HOW WE COLLECT DATA**

Generally, Berkeley Guardians receives personal data from parents, agents and our third party partners such as schools and colleges via application forms. In addition, host families may apply directly via application forms. Additional information relating to host families is provided by third parties through confidential references and Disclosure and Barring Service (DBS) checks which are taken up by Berkeley Guardians.

## **WHO HAS ACCESS?**

Occasionally, Berkeley Guardians will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) relevant authorities (HMRC, police or the local authority).

For the most part, personal data collected by Berkeley Guardians will remain within Berkeley Guardians and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis).

Personal data will also be shared with relevant staff at the school, college or university which the student attends in order that a co-ordinated approach to the pupil's care and welfare is made possible. In accordance with Data Protection Law (including GDPR – the General Data Protection Regulation), some of Berkeley Guardians' processing activity is carried out on its behalf by third parties and partners such as IT 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 Berkeley Guardians' specific directions.

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

Berkeley Guardians will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Any sensitive personal data relating to parents, students and host families will be destroyed within 12 months of the end of any relevant contract.

Incident reports and files relating to the safeguarding of children will need to be kept much longer, in accordance with specific legal requirements. It should also be noted that fully-selective deletion of data from the Berkeley Guardians Management Information Systems may not always be possible for technical reasons.

## **YOUR RIGHTS**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by Berkeley Guardians, and in some cases ask for it to be erased or amended or for Berkeley Guardians to stop processing it, but subject to certain exemptions and limitations.

If you wish to exercise any of these rights you should put your request in writing to Berkeley Guardians Designated Safeguarding Lead at: [karen@berkeleyguardians.com](mailto:karen@berkeleyguardians.com)

Berkeley Guardians 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.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege.

**Data Protection Law provides you with the following rights:**

**The right of access**

Your right to obtain confirmation as to whether personal data are being processed, and, where that is the case, access to the personal data along with details regarding the nature of processing.

**The right of rectification**

Your right to obtain the rectification of inaccurate personal data.

**The right of portability**

Your right to receive the personal data concerning provided to us, in a structured, commonly used and machine-readable format.

**The right to be forgotten**

Your right to erase your personal data.

**The right to restrict processing**

your right for your data to be effectively ‘frozen’; stored and not further processed.

**The right to object**

Your right to object to how your personal data is processed as outlined in this privacy policy.

**ACCESS REQUESTS – YOUNGER USERS**

Children whose personal data is held by Berkeley Guardians (i.e. pupils who are in the care of Berkeley Guardians) can make subject access requests for their own personal data, provided that, in the reasonable opinion of Berkeley Guardians, they have sufficient maturity to understand the request they are making (see section Whose Rights below). Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger children, the information in question is always considered to be the child’s at law.

A child of any age may ask a parent or other representative to make a subject access request on his/her behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. This will depend on both the individual child and the personal data requested, including any relevant circumstances at home. All information requests from, or on behalf of, children – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

## **CONSENT**

Where Berkeley Guardians is relying on consent as a means to process personal data (for the example the use of images for marketing purposes), any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware however that Berkeley Guardians may 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 or because a purchase of goods, services or membership has been requested.

## **WHOSE RIGHTS**

The rights under Data Protection Law belong to the individual to whom the data relates. However, College Guardians will often rely on parental consent to process personal data relating to children (if consent is required) unless, given the nature of the processing in question, and the child's age and understanding, it is more appropriate to rely on 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, Berkeley Guardians will assume that children's 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 child's academic progress, and in the interests of the child's welfare, unless, in Berkeley Guardians' 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, Berkeley Guardians may be under an obligation to maintain confidentiality unless, in Berkeley Guardians' opinion, there is a good reason to do otherwise; for example where Berkeley Guardians believes disclosure will be in the best interests of the child or other children, or if required by law.

## **DATA ACCURACY AND SECURITY**

Berkeley Guardians 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 [[karen@berkeleyguardians.com](mailto:karen@berkeleyguardians.com)] of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why Berkeley Guardians may need to process your data, of whom you may contact if you disagree.

Berkeley Guardians will take appropriate technical and organizational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to Berkeley Guardians systems. All staff will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

## **THIS POLICY**

Berkeley Guardians 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 Designated Safeguarding Lead: [support@berkeleyguardians.com](mailto:support@berkeleyguardians.com)

If you believe that Berkeley Guardians has not complied with this policy or acted otherwise than in accordance with Data Protection Law, you should notify the The Designated Safeguarding Lead, as above. You can lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with Berkeley Guardians before involving the regulator.