

Data Protection Policy and Procedure

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To be reviewed: Every 3 years

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1. INTRODUCTION

- 1.1 The academy/trust collects a large amount of personal data about staff, pupils, parents, governors, visitors and other individuals. The school/trust aims to ensure that all such personal data is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and guidance published by the Information Commissioners Office (ICO).
- 1.2 Personal information is any information that relates to a living individual who can be identified from the information regardless of whether it is in paper or electronic format.
- 1.3 This policy explains the duties and responsibilities placed on the school/trust under the legislation relating to data protection to ensure that all data is handled and stored securely.

2. SCOPE

- 2.1 This policy relates to all employees, volunteers, contractors, pupils and parents. It also explains how members of the public may request information held by the school/trust.

3. THE DATA CONTROLLER

- 3.1 The school/trust processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

4. DATA PROTECTION PRINCIPLES

- 4.1 The GDPR is based on data protection principles that our school/trust must comply with. The principles say that personal data must be:
 - Processed lawfully, fairly and in a transparent manner
 - Collected for specified, explicit and legitimate purposes
 - Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
 - Accurate and, where necessary, kept up to date

- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school/trust aims to comply with these principles.

5. ROLES AND RESPONSIBILITIES

5.1 The Governing Board.

- The governing board has overall responsibility for ensuring that the school/trust complies with all relevant data protection obligations.

5.2 Data Protection Officer.

- The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.
- They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school/trust data protection issues.
- The DPO is also the first point of contact for individuals whose data the school/trust processes, and for the ICO.
- Full details of the DPO's responsibilities are set out in their job description.
- The DPO for each school and the trust is given in Appendix 1.

5.3 Headteacher.

- The headteacher acts as the representative of the data controller on a day-to-day basis.

5.4 All staff.

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school/trust of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - If they have any concerns that this policy is not being followed
 - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - If there has been a data breach
 - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
 - If they need help with any contracts or sharing personal data with third parties

6. COLLECTING PERSONAL DATA

6.1 Lawfulness, fairness and transparency.

School/trust will only process personal data where one of the 6 lawful bases (as set out below) has been identified under data protection law:

- The data needs to be processed so that the school/trust can fulfil a contract with the individual, or the individual has asked the school/trust to take specific steps before entering into a contract
- The data needs to be processed so that the school/trust can comply with a legal obligation (i.e. DfE census information)

- The data needs to be processed to ensure the vital interests of the individual or another person (i.e. to protect someone's life by collecting data about food allergies or medical conditions)
- The data needs to be processed so that the school/trust, as a public authority, can perform a task in the public interest or exercise its official authority (i.e. to support pupil learning, to monitor and report on pupil attainment progress, to provide appropriate pastoral care and to assess the quality of services)
- The data needs to be processed for the legitimate interests of the school/trust (where the processing is not for any tasks the school/trust performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent

For special categories of personal data, the school/trust will also meet one of the special category conditions for processing under data protection law.

School/trust will always consider the fairness of any data processing. School/trust will ensure it does not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

6.2 Limitation, minimisation and accuracy.

- School/trust will only collect personal data for specified, explicit and legitimate reasons.
- If school/trust needs to use personal data for reasons other than those given when first obtained, school/trust will inform the individuals concerned, and seek consent where necessary.
- Staff must only process personal data where it is necessary in order to do their jobs.
- School/trust will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

- In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or disposed of securely. This will be done in accordance with the school/trust's record retention schedule.

7. SHARING PERSONAL DATA

7.1 School/trust will not normally share personal data with anyone else without consent, but there are certain circumstances where it may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of staff at risk
- School/trust needs to liaise with other agencies – consent will be requested as necessary before doing this
- School/trust suppliers or contractors need data for the provision of services to staff and pupils – for example, IT companies. When doing this, school/trust will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data shared
 - Only share data that the supplier or contractor needs to carry out their service

School/trust will also share personal data with law enforcement and government bodies where legally required to do so.

School/trust may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any pupils or staff.

8. DATA SECURITY AND STORAGE OF RECORDS

8.1 School/trust will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school/trust office
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices

9. DISPOSAL OF RECORDS

- 9.1 Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely. School/trust may also use a third party to safely dispose of records. Any third party will be required to provide sufficient guarantees that it complies with data protection law.

10. SUBJECT ACCESS REQUESTS AND OTHER RIGHTS OF INDIVIDUALS

10.1 Subject access requests.

Individuals have a right to make a 'subject access request' to gain access to personal information that the school/trust holds about them. Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request in any form they must immediately forward it to the DPO.

10.2 Children and subject access requests.

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school/trust may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school/trust may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

10.3 Responding to subject access requests.

When responding to requests, school/trust:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

School/trust may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, school/trust may refuse to act on it, or charge a reasonable fee to cover administrative costs.

School/trust will also take into account whether the request is repetitive in nature when making this decision.

When school/trust refuses a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

11. PARENTAL REQUESTS TO SEE THE EDUCATIONAL RECORD

- 11.1 Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school/trust days of receipt of a written request. All requests must be made in writing to the DPO. The identity of the requestor must be established before the disclosure of any personal information.

If the request is for a copy of the educational record, the school/trust may charge a fee to cover the cost of supplying it.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

12. PERSONAL DATA BREACHES

12.1 The school/trust will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow appropriate procedures and if required we will report the data breach to the ICO within 72 hours after becoming aware of it.

13. TRAINING

13.1 All staff and governors are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school/trust's processes make it necessary.

14. COMPLAINTS

14.1 Any complaint about Data Protection should be referred to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Telephone 01625 545700, Website www.ico.gov.uk

15. Appendix 1 – DPO Details

School Name	DPO Name	DPO Contact Details
Castlefield Campus		
Corrie Primary and Nursery School		
Greswell Primary School and Nursery School		
Meade Hill School		
Millbrook Primary and Nursery School		
Russell Scott Primary School		

Southern Cross School		
Tameside Pupil Referral Service		