

Data Protection Policy

Distribution: Teaching Staff
 Support Staff
 Governors

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Policy Owner: Kirsty Turner

Background

The school collects and uses personal information (referred to in the General Data Protection Regulation (GDPR) as personal data) about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable the provision of education and other associated functions. In addition, the school may be required by law to collect, use and share certain information.

The school issues Privacy Notices (also known as a Fair Processing Notices) to all pupils/parents and staff. These summarise the personal information held about pupils and staff, the purpose for which it is held and who it may be shared with. It also provides information about an individual's rights in respect of their personal data

1. Purpose

This policy sets out how the school deals with personal information correctly and securely and in accordance with the GDPR, and other related legislation.

This policy applies to all personal information however it is collected, used, recorded and stored by the school and whether it is held on paper or electronically.

What is Personal Information/ data?

Personal information or data means any information relating to an identified or identifiable individual. An identifiable individual is one who can be identified, directly or indirectly by reference to details such as a name, an identification number, location data, an online identifier or by their physical, physiological, genetic, mental, economic, cultural or social identity. Personal data includes (but is not limited to) an individual's, name, address, date of birth, photograph, bank details and other information that identifies them.

2. Roles and Responsibilities

Governing Body

The Governing Body has overall responsibility for ensuring the school complies with all relevant data protection and monitoring the effectiveness of policies.

Data Controller

The school is the Data Controller, of the personal data that it collects and receives for these purposes. The School is registered with the ICO – registration reference Z3457174.

Data Protection Officer

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring compliance, raising awareness of data protection issues and staff training.

The DPO is the first point of contact for all data protection issues and can be contacted on dpo@aldworth.hants.sch.uk

Headteacher

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

All Staff

All staff and volunteers, whether directly employed or third party, have a personal responsibility to keep personal data secure and confidential. If staff do not comply with this policy, they may face disciplinary action. Further staff guidance is available in the staff handbook and code of conduct.

3. Data Protection Principles

The GDPR establishes six principles as well as a number of additional duties that must be adhered to at all times:

1. Personal data shall be processed lawfully, fairly and in a transparent manner
2. Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (subject to exceptions for specific archiving purposes)
3. Personal data shall be adequate, relevant and limited to what is necessary to the purposes for which they are processed and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data shall be kept in a form that permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
6. Personal data shall be processed in a manner that ensures it is appropriately secure.

4. Collecting personal data

We will only process personal data where we have one of the 6 lawful bases (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can fulfil a contract with the individual
- The data needs to be processed so that the school can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect life.
- The data needs to be processed so that the school, as a public authority, can perform a task in the public interest and carry out its official functions.
- The data needs to be processed for the legitimate interests of the school 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.

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individual when we first collect their data (including special category processing). Our privacy notice, available on the school website, details these fully.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary.

5. Sharing data

We will not normally share personal data with anyone else, but may do so where:

- We need to liaise with other agencies – will seek consent as necessary before doing this
- Our supplier or contractors need data to enable us to provide services to staff and pupils, for example IT companies. When doing this we will only appoint suppliers who comply with GDPR.
- We are legally required to do so and therefore share data with law enforcement and government bodies such as The Police, Social Services etc.

If we transfer personal data to a country outside of the European Economic area, we will do so in accordance with data protection law.

6. Subject Access Requests & individual rights

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. Requests must be made in writing using the form in appendix 1. The form can be handed in to the school reception, posted or e-mailed to the dpo@aldworth.hants.sch.uk. There is no charge to make a subject access request. The information will be provided within the statutory timeframe of 1 calendar month. There may be certain times of the year where this will be extended e.g. if request made at beginning of summer holiday period. Parents may alternatively request access to the educational record (which includes most information about a pupil). This will be provided within 15 school days. If there is any doubt as to who is making the request, proof of identity will be sought.

In certain circumstances we will not disclose information, for example if the information may cause serious harm to the physical or mental health of a pupil.

In addition to the subject access request right, individuals have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of personal data or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified based on public interest
- Object to decisions based solely on automated profiling
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine readable format (in certain circumstances)

Any requests under these rights should be sent to the DPO.

7. Consent

We currently request consent for photographs or videos of students used for communication,

marketing and promotional materials and of biometric registration, used for the school canteen. Consent is requested using the data collection form when the child joins the school. The “additional information” form is provided to parents to give full details of the consent being sought. There is a clear option on the form to not give consent. Consent may be withdrawn at any time.

8. Data Security and Storage

We will protect personal data and keep it safe by using the following safeguards:

- Paper based records will be kept in locked cupboards, filing cabinets or drawers. Papers should not be left out where there is general access.
- Electronic devices will be password protected. Staff will not share passwords.
- Data taken off-site will be kept securely and not retained off-site for longer than necessary. Data in an electronic format will either be using Microsoft One-drive, which is password protected or by encrypted memory stick. Each member of staff has been provided with an encrypted memory stick (which remains the property of Aldworth School) for this purpose.
- Sensitive personal information will be restricted on display boards in public places
- Staff, pupils or governors who store personal information on their personal devices should ensure this is password protected and the information deleted as soon as no longer required.
- Suppliers who may store data on our behalf will be checked for GDPR compliance.

9. Data Retention and Disposal

Personal data will be retained for the length of time shown in the HCC retention of records schedule. This is available on the school website. At the end of this time records will be destroyed securely according to the schedule. Electronic files will be deleted at the end of the retention period.

Personal data that is out of date or no longer required will be destroyed securely using a confidential waste destruction GDPR compliant contractor. Confidential waste collection bags are used in secure areas of the school to store confidential waste awaiting collection. Items in school that only show a name e.g. fronts of exercise books will be put in recycling bins for collection from site by a refuse collection supplier. Any paper documents that have name plus other personal information will be put in confidential waste bags and collected by the contractor for destruction. Full confidential waste bags should be kept in secure locations, for example in a locked cupboard.

10. Data Breaches

The school will make all reasonable endeavours to ensure there are no personal data breaches. All staff are made aware of the importance of reporting any suspected breaches to the DPO. These will be investigated and if required a data breach reported to the ICO within 72 hours. There is a template form for staff to report a data breach available in school. For others who believe a data breach may have occurred please e-mail dpo@aldworth.hants.sch.uk

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at www.ico.gov.uk

Review

This policy will be reviewed every 2 years. The policy review will be undertaken by the Data Protection Officer, Head teacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact Mrs K. Turner, School Business Manager.

Data Protection Policy – Appendix 1 Subject Access Request

Please provide me with the information about me that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me and verify the lawfulness of the processing.

Name	
Relationship with the school	Pupil / Parent / Employee / Governor / Volunteer
Correspondence address	
Contact e-mail	
Details of the information requested	<p>Please provide me with: Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:</p> <ul style="list-style-type: none"> • Your personnel file • Your child's medical records • Your child's behaviour record from date to date

If you need any more information from me, please let me know as soon as possible. Please bear in mind that under the GDPR you cannot charge a fee to provide this information, and in most cases, must supply me with the information within 1 month.

If you need any advice on dealing with this request, you can contact the Information Commissioner's Office on 0303 123 1113 or at www.ico.org.uk