Data Protection Policy

Committee with oversight for this policy - Finance Leadership & Management	
Policy to be approved by the Headteacher	
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RAVENOR PRIMARY SCHOOL

DATA PROTECTION POLICY

Contents

1. **Introduction**
2. **Definitions**
3. **Data Protection Principles**
4. **Data Subject's Rights**
5. **Data Subject's Access Requests**
6. **Direct Marketing**
7. **Employee Obligations**
8. **Accountability**
9. **Data Integrity**
10. **Related Policies**

1. Introduction

The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Headteacher and Governors of this School intend to comply fully with the requirements and principles of the **General Data Protection Regulation (GDPR)** (which is a new EU law that will came into effect on 25th May 2018) and the **Data Protection Act (2018)** which will replace the Data Protection Act 1998.

These laws and regulations aim to protect the rights of individuals about whom data is obtained, stored, processed or supplied and requires that organisations take appropriate security measures against unauthorised access, alteration, disclosure or destruction of personal data. This policy sets out how we handle the personal data of our pupils, parents, suppliers, employees, workers and other third parties.

All staff involved with the collection, processing and disclosure of personal data must ensure that they follow their duties and responsibilities within these laws and regulations. Breach of this policy will be treated as a disciplinary offence which may result in disciplinary action under the School's Disciplinary Policy and Procedure.

2. Definitions

Personal data

Personal data is any information relating to an individual where the individual can be identified (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access. This includes special category data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed.

Personal data can be factual (for examples a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Personal data will be stored either electronically or as part of a structured manual filing system in such a way that it can be retrieved automatically by reference to the individual or criteria relating to that individual.

Special Category Data

Previously termed "Sensitive Personal Data", Special Category Data is similar by definition and refers to data concerning an individual Data Subject's racial or ethnic origin, political or religious beliefs, trade union membership, physical and mental health, sexuality, biometric or genetic data and personal data relating to criminal offences and convictions.

Data Subject

An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees.

Data Controller

The organisation storing and controlling such information (i.e. the School) is referred to as the Data Controller.

Personal Data Breach

A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data or special category data transmitted, stored or otherwise processed.

Processing

Processing data involves any activity that involves the use of personal data. This includes but is not limited to: obtaining, recording or holding data or carrying out any operation or set of operations on that data such as organisation, amending, retrieving using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Legal Disclosure

The release of personal information to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

Illegal Disclosure

The release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes.

Automated Processing

Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

An example of automated processing includes profiling and automated decision making. Automatic decision making is when a decision is made which is based solely on automated processing which produces legal effects or significantly affects an individual. Automated decision making is prohibited except in exceptional circumstances.

Data Protection Impact Assessment (DPIA)

DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.

Criminal Records Information

This refers to personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures.

3. Data Protection Principles

Principle 1: Personal data must be processed lawfully, fairly and in a transparent manner

The School may only process a data subject's **personal data** if one of the following fair processing conditions are met:

a. The data subject has given their consent;

b. The processing is necessary for the performance of a contract with the data subject or for taking steps at their request to enter into a contract;

c. To protect the data subject's vital interests;

d. To meet our legal compliance obligations (other than a contractual obligation);

e. To perform a task in the public interest or in order to carry out official functions as authorised by law;

f. For the purposes of the School's legitimate interests where authorised in accordance with data protection legislation. This is provided that it would not prejudice the rights and freedoms or legitimate interests of the data subject.

The School may only process **special category data** if they are entitled to process personal data (using one of the fair processing conditions above) and one of the following conditions are met:

a. The data subject has given their explicit consent;

b. The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed on the School in the field of employment law, social security law or social protection law. This may include, but is not limited to, dealing with sickness absence, dealing with disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;

c. To protect the data subject's vital interests;

d. To meet our legal compliance obligations (other than a contractual obligation);

e. Where the data has been made public by the data subject;

f. To perform a task in the substantial public interest or in order to carry out official functions as authorised by law;

g. Where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;

h. Where it is necessary for reasons of public interest in the area of public health;

i. The processing in necessary for archiving, statistical or research purposes.

Consent

Where the School relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the GDPR.

Consent must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they signify agreement to the processing of personal data relating to them. Consent requires affirmative action so silence, pre-ticked boxes or inactivity will not amount to valid consent.

Explicit consent requires a very clear and specific statement to be relied upon.

A data subject will have consented to processing of their personal data if they indicate agreement clearly either by a statement or positive action to the processing.

Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly carried out.

The School will keep records of consents obtained in order to demonstrate compliance with consent requirements under the GDPR.

Principle 2 : Personal data must be collected only for specified, explicit and legitimate purposes

Personal data will not be processed in any matter that is incompatible with the legitimate purposes.

The School will not use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless we have informed the data subject of the new purpose (and they have consented where necessary).

Principle 3 : Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed

The School will only process personal data when our obligations and duties require us to. We will not collect excessive data and ensure any personal data collected is adequate and relevant for the intended purposes.

When personal data is no longer needed for specified purposes, the School shall delete or anonymise the data.

Principle 4 : Personal data must be accurate and, where necessary, kept up to date

The School will use its' best endeavours to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. e.g. Pupil Census & School Workforce Census. We will take all reasonable steps to destroy or amend inaccurate or out of date personal data.

Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by the School.

Principle 5: Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed.

Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements. The School will ensure that they adhere to legal timeframes for retaining data.

We will take reasonable steps to destroy or erase from our systems all personal data that we no longer require. We will also ensure that data subjects are informed of the period for which data is stored and how that period is determined in our privacy notices.

NB. Please refer to the School's Retention Policy for further details about how the School retains and removes data.

Principle 6: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage

In order to assure the protection of all data being processed, the School will develop, implement and maintain reasonable safeguard and security measures. This includes using measures such as;

a. Encryption

b. Pseudonymisation (this is where the School replaces information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of additional information which is meant to be kept separately and secure);

c. Ensuring authorised access (i.e. that only people who have a need to know the personal data are authorised to access it);

d. Adhering to confidentiality principles;

e. Ensuring personal data is accurate and suitable for the process for which it is processed.

The School follow procedures and technologies to ensure security and will regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data.
The School will only transfer personal data to third party service providers who agree to comply with the required policies and procedures and agree to put adequate measures in place.

Sharing Personal Data

The School will generally not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. These include if the third party;

a. Has a need to know the information for the purposes of providing the contracted services;

b. Sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject's consent has been obtained;

c. The third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;

d. The transfer complies with any applicable cross border transfer restrictions; and

e. A fully executed written contract that contains GDPR approved third party clauses has been obtained.

There may be circumstances where the School is required either by law or in the best interests of our pupils, parents or staff to pass information onto external authorities, for example, the local authority, Ofsted or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of our School shall be clearly defined within written notifications and details and basis for sharing that data given.

Transfer of Data Outside the European Economic Area (EEA)

The GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the GDPR is not undermined.

The School will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the GDPR. All staff must comply with the School's guidelines on transferring data outside of the EEA.

For the avoidance of doubt, a transfer of data to another country can occur when you transmit, send, view or access that data in that particular country.

4. Data Subjects' Rights

Personal data must be made available to data subjects as set out within this policy and data subjects must be allowed to exercise certain rights in relation to their personal data.

The rights data subjects have in relation to how the School handle their personal data are set out below:

(a) (Where consent is relied upon as a condition of processing) To withdraw consent to processing at any time;

(b) Receive certain information about the School's processing activities;

(c) Request access to their personal data that we hold;

(d) Prevent our use of their personal data for marketing purposes;

(e) Ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;

(f) Restrict processing in specific circumstances;

(g) Challenge processing which has been justified on the basis of our legitimate interests or in the public interest;

(h) Request a copy of an agreement under which personal data is transferred outside of the EEA;

(i) Object to decisions based solely on automated processing;

(j) Prevent processing that is likely to cause damage or distress to the data subject or anyone else;

(k) Be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;

(l) Make a complaint to the supervisory authority; and

(m) In limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine readable format.

If any request is made to exercise the rights above, it is a requirement for the relevant staff member within the School to verify the identity of the individual making the request.

5. Data Subject's Access Requests

A Data Subject has the right to be informed by the School of the following:

(a) Confirmation that their data is being processed;

(b) Access to their personal data;

(c) A description of the information that is being processed;

(d) The purpose for which the information is being processed;

(e) The recipients/class of recipients to whom that information is or may be disclosed;

(f) Details of the School's sources of information obtained;

(g) In relation to any Personal Data processed for the purposes of evaluating matters in relation to the Data Subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting him or her, to be informed of the logic of the Data Controller's decision making. Such data may include, but is not limited to, performance at work, creditworthiness, reliability and conduct.

(h) Other supplementary information

Any Data Subject who wishes to obtain the above information must notify the School in writing of his or her request. This is known as a Data Subject Access Request.

Processing Data Subject access requests

The request should in the first instance be sent in writing to the Head teacher.

Pupils, parents or staff may submit a request to the School and the School will respond in not more than 40 days from the request date.

The School will first satisfy itself that the person is correctly identified and that they have an entitlement to the information.

Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

Pupil Requests

Where a request for data subject access is received from a pupil, the School's policy is that:

a. Requests from pupils will be processed as any subject access request as outlined above and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
b. Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.

6. Direct Marketing

The School are subject to certain rules and privacy laws when marketing. For example a data subject's prior consent will be required for electronic direct marketing (for example, by email, text or automated calls).

The School will explicitly offer individuals the opportunity to object to direct marketing and will do so in an intelligible format which is clear for the individual to understand. The School will promptly respond to any individual objection to direct marketing.

7. Employee Obligations

Own personal data

The local authority now use a web based HR and Payroll system. Employees have access to this site through their user name and password. Employees are responsible for checking that the information held is accurate and are responsible for updating their own personal data. Further information is available from the Itrent support team on 0208 8825 9000.

Other person's personal data

Employees may have access to the personal data of other members of staff, suppliers, parents or pupils of the School in the course of their employment or engagement. If so, the School expects those employees to help meet the School's data protection obligations to those individuals. Specifically, you must: -

a. Only access the personal data that you have authority to access, and only for authorised purposes;

b. Only allow others to access personal data if they have appropriate authorisation;

c. Keep personal data secure (for example by complying with rules on access to school premises, computer access, password protection and secure file storage and destruction).

d. Not to remove personal data or devices containing personal data from the School premises unless appropriate security measures are in place (such as pseudonymisation, encryption, password protection) to secure the information;

e. Not to store personal information on local drives.

8. Accountability

The School will ensure compliance with data protection principles by implementing appropriate technical and organisational measures. We are responsible for demonstrating accountability with the GDPR principles.

Data Protection Officer (DPO)

The School have appointed an independent Data Protection Officer to ensure and document GDPR compliance. Contact details of the School's Data Protection Officer are as follows;

Data Protection Officer: Craig Stilwell
Address: Judicium Consulting Ltd, 72 Cannon Street, London, EC4N 6AE
Email: dataservices@judicium.com
Telephone: 0203 326 9174

The DPO is responsible for overseeing this data protection policy and developing data-related policies and guidelines.

Please contact the DPO with any questions about the operation of this Data Protection Policy or the GDPR or if you have any concerns that this policy is not being or has not been followed. In particular, you must always contact the DPO in the following circumstances:

(a) If you are unsure of the lawful basis being relied on by the School to process personal data;

(b) If you need to rely on consent as a fair reason for processing (please see below the section on consent for further detail);

(c) If you need to draft privacy notices or fair processing notices;

(d) If you are unsure about the retention periods for the personal data being processed; however refer to School's Data Retention Policy in the first instance;

(e) If you are unsure about what security measures need to be put in place to protect personal data;

(f) If there has been a personal data breach (refer also to the procedure set out in the School's breach notification policy);

(g) If you are unsure on what basis to transfer personal data outside the EEA;

(h) If you need any assistance dealing with any rights invoked by a data subject;

(i) Whenever you are engaging in a significant new (or a change in) processing activity which is likely to require a data protection impact assessment or if you plan to use personal data for purposes other than what it was collected for;

(j) If you plan to undertake any activities involving automated processing or automated decision making;

(k) If you need help complying with applicable law when carrying out direct marketing activities;

(l) If you need help with any contracts or other areas in relation to sharing personal data with third parties.

Personal Data Breaches

The GDPR requires the School to notify any applicable personal data breach to the Information Commissioner's Office (ICO).

We have put in place procedures to deal with any suspected personal data breach and will notify data subjects or any applicable regulator where we are legally required to do so.

If you know or suspect that a personal data breach has occurred, do not attempt to investigate the matter yourself. Immediately contact the person designated as the key point of contact for personal data breaches who is Jeff Mays (School Business Manager) or your DPO.

Transparency and Privacy Notices

The School will provide detailed, specific information to data subjects. This information will be provided through the School's privacy notices which are concise, transparent, intelligible, easily accessible and in clear and plain language so that a data subject can easily understand them. Privacy notices sets out information for data subjects about

how the School use their data and the School's privacy notices are tailored to suit the data subject.

Whenever we collect personal data directly from data subjects, including for human resources or employment purposes, we will provide the data subject with all the information required by the GDPR including the identity of the data protection officer, the School's contact details, how and why we will use, process, disclose, protect and retain personal data.

When personal data is collected indirectly (for example from a third party or publically available source), we will provide the data subject with the above information as soon as possible after receiving the data. The School will also confirm whether that third party has collected and processed data in accordance with the GDPR.

Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as "children" under the GDPR

Privacy by Design

The School adopt a privacy be design approach to data protection to ensure that we adhere to data compliance and to implement technical and organisational measures in an effective manner.

Privacy by design is an approach that promotes privacy and data protection compliance from the start. To help us achieve this, the School takes into account the nature and purposes of the processing, any cost of implementation and any risks to rights and freedoms of data subjects when implementing data processes.

Data Protection Impact Assessments (DPIAs)

In order to achieve a privacy by design approach, the School conduct DPIAs for any new technologies or programmes being used by the School which could affect the processing of personal data. In any event the School carries out DPIAs when required by the GDPR in the following circumstances: -

a. For the use of new technologies (programs, systems or processes) or changing technologies;
b. For the use of automated processing;
c. For large scale processing of special category data;
d. For large scale, systematic monitoring of a publicly accessible area (through the use of CCTV).

Our DPIAs contain:

a. A description of the processing, its purposes and any legitimate interests used;
b. An assessment of the necessity and proportionality of the processing in relation to its purpose;
c. An assessment of the risk to individuals; and
d. The risk mitigation measures in place and demonstration of compliance.

Record Keeping

The School are required to keep full and accurate records of our data processing activities. These records include;-

a. The name and contact details of the School;
b. The name and contact details of the Data Protection Officer;
c. Descriptions of the types of personal data used;
d. Description of the data subjects;
e. Details of the School's processing activities and purposes;
f. Details of any third party recipients of the personal data;
g. Where personal data is stored;
h. Retention periods; and
i. Security measures in place.

Training

The School will ensure all relevant personnel have undergone adequate training to enable them to comply with data privacy laws.

Audit

The School through its data protection officer regularly test our data systems and processes in order to assess compliance. These are done through data audits which take place annually in order to review use of personal data.

Registration

The Data Protection Registration entries for the School are available for inspection, by appointment, at the school office. Explanation of any codes and categories entered is available from the Head teacher or the School Business manager, who are the persons nominated to deal with Data Protection issues in the School. Registered purposes covering the data held at the school are listed on the School's Registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

9. Data Integrity

The School undertakes to ensure data integrity by the following methods:

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, the school will try to resolve the issue informally, but if this proves impossible, disputes will

be referred to the Governing Body for their judgment. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. The requirement for schools to provide regular Pupil Census and Work Force Census reports ensures a twice yearly check of all pupil and staff data held. The School Data Manager and the School Business Manager respectively will amend any data that is incorrect. Pupil and staffing records are never deleted.

Length of time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the School Business Manager to ensure that obsolete data is properly erased.

Authorised disclosures

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the School's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

a. Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.

b. Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.

c. Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.

d. Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.

e. Unavoidable disclosures, for example to an engineer during maintenance of the computer system. Officers and IT personnel working on behalf of the LA are IT liaison/data processing officers, for example in the LA, are contractually bound not to disclose personal data.

f. Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **need to know** the information in order to do their work.

The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

Computer Security

Ravenor Primary School undertakes to ensure security of personal data by various approved methods, including limiting access rights, password controls and a firewall.

Physical security

Appropriate building security measures are in place, such as alarms, CCTV, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the computer room. Disks, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied. See school security policy

Procedural security

In order to be given authorised access to the shared computer network, staff will first have undergone an enhanced police check and will also be made aware of the School's required Code of Conduct through induction training. Induction training will ensure staff have knowledge of school protocols and procedures around data protection and will fully understand the need for confidentiality.

Overall security policy for data is determined by the Head teacher and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.

Any queries or concerns about security of data in the school should in the first instance be referred to the School Business Manager, (Jeff Mays).

Individual members of staff can be personally liable in law under the terms of the Data Protection Act. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

Reporting to the Governing Body

Any issues in relation to Data Protection, Cyber Bullying etc. will be included in the Safeguarding Governor's termly reports to the Governing Body Committees.

10. Related Policies

Staff should refer to the following policies that are related to this data protection policy:

a. Data retention policy;
b. Data breach policy;
c. Security policy.

These policies are also designed to protect personal data and can be found and downloaded from the School website www.ravenor.ealing.sch.uk