

St Anne's Primary School Denton

Data Protection Policy

Version – 1.1

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1. Introduction

Our School aims to provide the best possible education to our pupils. We need to collect personal data about our pupils, staff, parents/guardians, governors and people who provide support and services to the school.

The School is committed to protecting the rights and privacy of individuals in accordance with both United Kingdom and European Union data protection legislation.

The data protection legislation confers rights on individuals as well as responsibilities on those persons processing personal data. This policy sets out how the School seeks to process personal data and ensure that staff and parents understand the rules governing the use of personal data.

The EU General Data Protection Regulation (GDPR EU 2016/679) replaces the Data Protection Directive 95/46/EC and was designed to harmonize data privacy laws across Europe, to protect and empower all EU citizens' data privacy and to reshape the way organizations across the region approach data privacy. The GDPR will be enforced from 25th May 2018. This version of the School's policy has been updated to reflect the GDPR.

2. Scope & purpose

This policy applies to all of the School's personal data processing functions in relation to identified or identifiable natural persons, including those performed on pupils, staff, governors, suppliers and any other personal data the School processes from any source.

Personal data is defined as any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special categories of personal data – personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

This policy should be read in conjunction with other relevant School policies such as the ICT Security Policy, Using Social Media Responsibly Guidelines, ICT Acceptable Use Policy, e-Safety Policy and Laptops/iPads Policy. The School may supplement or amend this policy by additional policies and guidelines from time to time. Please refer to the School's website for further details.

3. Responsibility for this policy

The School is the data controller.

The Board of Governors, the Headteacher and Deputy Headteacher of the School (“the Management”) are committed to compliance with all relevant UK and EU legislation in respect of personal data, and the protection of the rights and freedoms of individuals whose information the School collects and processes.

The School has appointed a Data Protection Officer who will assist the School in monitoring its compliance with the legislation. The responsibilities of the Data Protection Officer are set out in section 7.

4. Data protection principles

All processing of personal data must be conducted in accordance with the data protection principles set out in relevant legislation. School's policies and procedures are designed to ensure compliance with the following principles:-

4.1 *Personal data must be processed lawfully, fairly and transparently*

Lawfully – the legal basis for processing personal data is normally based on relevant legislation.

Fairly – in order for processing to be fair, the School has to make certain information available to the data subjects. This applies whether the personal data was obtained directly from the data subjects or from other sources.

Transparently – the School will provide the required information to data subjects at the time personal data is collected. The School will ensure that the information provided is detailed and specific, and that such notices are understandable and accessible. Information must be communicated to the data subject in an intelligible form using clear and plain language. The information provided must include information about personal data collected both directly from the data subject and from other sources.

4.2 *Personal data can only be collected for specific, explicit and legitimate purposes*

The School will collect and process personal data only for the purposes for which it is required. School staff must be alert to requests for processing of personal data for purposes for which it was not collected, no matter how related the processing may appear. Processing should only continue after an assessment of the impact of the new processing. This assessment may be done as a data protection impact assessment; please see section 6.6 of this policy.

4.3 *Personal data must be adequate, relevant and limited to what is necessary for processing (data minimisation)*

The School will ensure that in designing methods of data collection, whether online, forms or within offices, that only the personal data required to identify the data subject(s) and provide the service requested will be processed. The School will undertake regular reviews of the data requested to ensure that the amount of personal data collected is minimised.

4.4 *Personal data must be accurate and kept up to date with every effort to erase or rectify without delay*

All data subjects have a right to ensure that their data is accurate and complete. The School needs accurate and up-to-date data about data subjects in order to ensure that the correct education and services are provided to the correct recipients. All data collection procedures should be designed to ensure that reasonable steps are taken to update personal data where new data has been provided. All changes to personal data should be shared with each third party with whom the previous data had been shared, unless this is impossible or requires disproportionate effort.

4.5 *Personal data must be kept in a form such that the data subject can be identified only as long as is necessary for processing*

The School will implement appropriate policies and procedures to ensure that personal data is retained only for the minimum period required to provide the services requested. This may be done by destroying the personal data, by anonymization or any other appropriate method.

4.6 *Personal data must be processed in a manner that ensures appropriate security*

The School will implement appropriate technical and organisational measures to ensure that appropriate security of the processing of personal data is implemented.

4.7 *Accountability for demonstrating compliance*

The School will ensure that it maintains adequate records of its processing and evidence that it has complied with this policy and related policies and procedures. Responsibility for collecting and maintaining the evidence is with Management. See section 3 of this policy for further guidance.

5. Rights of Individuals whose data is collected

The School will design and maintain appropriate policies, procedures and training to implement the following data rights of data subjects.

5.1 *Right of access by the data subject*

Data subjects have the right to access their personal data. They are entitled to receive a copy of their data held by St Anne's Primary and other information about St Anne's Primary's processing of the personal data. The right of access allows individuals to be aware of and verify the lawfulness of the processing.

The School will implement procedures to ensure that requests from data subjects for access to their personal data will be identified and fulfilled in accordance with the legislation within the 30 days permitted.

5.2 *Right to rectification*

Data subjects have a right to have their personal data rectified where it is inaccurate or incomplete.

The School is committed to holding accurate data about data subjects and will implement processes and procedures to ensure that data subjects can rectify their data where inaccuracies have been identified.

5.3 *Right to erasure (right to be forgotten)*

Data subjects have a right to request the deletion or removal of personal data where there is no compelling reason for its continued processing. The right to erasure does not provide an absolute 'right to be forgotten'.

The School processes most personal data it collects because there is a statutory basis for the processing. Where the School receives a request from data subjects looking to exercise their right of erasure then the School will carry out an assessment of whether the data can be erased without affecting the ability of the School to provide future education and services to the data subject. The School will implement appropriate procedures to carry out the assessment and where the right to erasure can be implemented then this should be done.

5.4 *Right to restriction of processing*

Data subjects have a right to block or suppress processing of their personal data in defined circumstances. When processing is restricted, St Anne's Primary is permitted to store the personal data, but not further process it.

The School will implement and maintain appropriate procedures to assess whether a data subject's request to restrict the processing of their data can be implemented. Where the request for restriction of processing is carried out then the School will write to the data subject to confirm the restriction has been implemented and when the restriction is lifted.

5.5 *Right to data portability*

Data subjects have a right to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

The School processes most personal data it collects because there is a statutory basis for the processing. Where the School has collected personal data on data subjects by consent or by contract then the data subjects have a right to receive the data in electronic format to give to another data controller. It is expected that this right will apply only to a small number of data subjects. The School will implement appropriate procedures to transfer only the relevant personal data.

5.6 *Right to object*

Data subjects have the right to object to:

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- processing for purposes of scientific/historical research and statistics.

Data subjects have a right to object to the processing of his or her personal data. The processing must have been undertaken on the basis of public interest or legitimate interest of the School. If/where such legal bases exist then the School will implement and maintain procedures to allow data subjects to pursue their right to object.

5.7 *Right not to be subject to automated decision making*

Data subjects have the right not to be subject to a decision based solely on automated processing, where such decisions would have a legal or significant effect concerning him or her. The School will ensure that where systems or processes are implemented that an appropriate right of appeal to a member or panel of staff is available to the data subject.

5.8 *Right to complain*

The School will implement and maintain a complaints process whereby data subjects will be able to contact the Data Protection Officer. The Data Protection Officer will work with the data subject to bring the complaint to a satisfactory conclusion for both parties. The data subject will be informed of their right to bring their complaint to the Information Commissioner's Office and their contact details.

6. Special Category Data

Special category data is personal data which the General Data Protection Regulations (GDPR) says is more sensitive, and so needs more protection. In order to lawfully process special category data, we must identify both a lawful basis under GDPR and a separate condition for processing special category data.

The special conditions under GDPR which allow processing of special category personal data are set out in Article 9 of the GDPR and are as follows:

- (a) **Explicit consent**
- (b) **Employment, social security and social protection (if authorised by law)**
- (c) **Vital interests**
- (d) Not-for-profit bodies
- (e) Made public by the data subject
- (f) Legal claims or judicial acts
- (g) **Reasons of substantial public interest (with a basis in law)**
- (h) Health or social care (with a basis in law)
- (i) Public health (with a basis in law)
- (j) **Archiving, research and statistics (with a basis in law)**

Those conditions above which are highlighted in bold, are the ones which apply to the processing carried out by our school.

As we are using Article 9(b) and Article 9(j), we also need to meet one of the conditions set out in Part 1 of Schedule 1 of the Data Protection Act 2018. The conditions we meet are as follows:

For Article 9(b):

The condition is met if the processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

For Article 9(j):

The condition is met if the processing is in the public interest.

As we are also using Article 9(g), we need to meet one of 23 specific substantial public interest conditions set out in Part 2 of Schedule 1 of the Data Protection Act 2018. The relevant specific substantial public interest conditions we are relying on are as follows:

- Statutory and government purposes
- Equality of opportunity or treatment
- Regulatory requirements
- Support for individuals with a particular disability or medical condition

- Counselling
- Safeguarding of children and individuals at risk
- Occupational pensions

For further information on the School's management of Special Category Data, please contact the Data Protection Officer.

7. Responsibilities of the School

The School has responsibility for the following:

7.1 *Ensuring appropriate technical and organisational measures*

The School will implement appropriate technical and organisational measures to ensure and be able to evidence that it protected personal data always.

7.2 *Maintaining a record of data processing*

The School will maintain a record of its data processing activities in the manner prescribed by the Regulation. The record will be reviewed and signed off by Management, not less than on an annual basis.

7.3 *Implementing appropriate agreements with third parties*

The School will implement appropriate agreements, memoranda of understanding, bilateral agreements and contracts (collectively “agreements”) with all third parties with whom it shares personal data. The term third parties is intended to include other agencies and departments of the UK Government. All such agreements shall be implemented in writing prior to the commencement of the transfer of the data. The agreement shall specify the purpose of the transfer, the requirement for adequate security, right to terminate processing, restrict further transfer to other parties, ensure that responses will be given to requests for information and the right to audit.

7.4 *Transfers of personal data outside of the European Economic Area*

The School will not transfer the personal data of its data subjects outside of the European Economic Area unless an adequate level of protection is ensured.

7.5 *Data protection by design and by default*

The School will implement processes, prior to the time of determining the means of processing as well as when actually processing, to implement appropriate technical and organisational measures to implement the data protection principles set out in Section 4 and integrate necessary safeguards into the processing to meet GDPR requirements.

7.6 *Data protection impact assessments*

The School will implement procedures and documentation whereby all new types of processing, in particular using new technologies, that result in a high risk to the rights and freedoms of its data subjects shall carry out a data protection impact assessment. As part of this process, a copy of the impact assessment shall be shared with the Schools Data Protection Officer.

Where the School is unable to identify measures that mitigate the high risks identified then the School will consult with the Information Commissioner's Office prior to the commencement of processing.

7.7 *Personal data breaches*

The School defines a 'personal data breach' as meaning a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed. (e.g. the most common breach incidents that can occur are correspondence issuing to an unauthorised third party). The School deems any loss of personal data in paper or digital format to be a personal data breach.

The School will develop and maintain a protocol for dealing with personal data breaches. This protocol will establish the methodology for handling a personal data breach and for notification of the breach to the Information Commissioner's Office and to data subjects where this is deemed necessary.

7.8 *Freedom of Information*

The Freedom of Information Act (FOI) obliges the School to publish information on their activities and to make the information they hold, including personal information, available to members of the public.

The School maintains a separate policy to ensure compliance with FOI. The School will maintain procedures to ensure that requests for its data are correctly fulfilled under either data protection legislation or FOI legislation.

7.9 *Governance*

The School will monitor compliance with UK & EU laws through the Board of Governors. The Board of Governors will:

- Determine metrics for monitoring & reporting key data protection statistics;
- Receive regular reports of data protection activities;
- Receive regular reports from the Data Protection Officer;
- Review data protection impact assessments and approve or not the design of data protection elements of projects;
- Instigate investigations of data protection matters of interest;
- Arrange internal audits, or similar, of School for compliance with this policy;
- Any other such activities relating to the School's compliance with UK & EU Law in the area of data protection.

8. The Data Protection Officer's Responsibilities

The Board of Governors will appoint a Data Protection Officer. The Data Protection Officer will report to the Board of Governors regarding the tasks allocated to them. The responsibilities of the Data Protection Officer will include the following:

- i. Keep the Board of Governors and Senior Management updated about data protection responsibilities, risks and issues;
- ii. Act as an advocate for data protection within the School;
- iii. Monitor compliance with EU Regulations on data protection, ePrivacy and UK Data Protection Laws and Regulations;
- iv. Monitor all data protection policies and procedures, ensuring they are reviewed and updated on a regular basis;
- v. Ensure that the School provides appropriate data protection training and advice for all staff members and those included in this policy;
- vi. Provide advice where requested as regards the data protection impact assessments and monitoring that such assessments are completed to an appropriate standard;
- vii. Provide advice on data protection matters from staff, governors, parents and other stakeholders;
- viii. Respond to individuals such as parents and employees who wish to know which data is being held on them by the School;
- ix. Ensure that appropriate data processing agreements are put in place with third parties that handle the School's data and ensure that reviews are carried out of third parties on a regular basis;
- x. Ensure that the record of data processing is updated regularly;
- xi. Act as a contact point and provide cooperation with the Office of the Information Commissioner.

9. Responsibilities of staff and similar parties

Anyone who processes personal data on behalf of the School has a responsibility to comply with this data protection policy.

9.1 Training

All staff will receive training on this policy. New members of staff will receive training as part of the induction process. Further training will be provided at least every 3 years or whenever there is a substantial change in the law or the School's policy and procedures.

Training will cover:

- The General Data Protection Regulation and its impact on schools;
- School's data protection management and related policies and procedures.

Completion of training is compulsory.

9.2 Consequences of failing to comply

The School takes compliance with this policy very seriously. Failure to comply puts both you and the School at risk.

The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under School procedures, which may result in dismissal.

10. Where to go if you have queries about the data protection policy

If you have queries on any aspect of this policy, or the GDPR in general, please contact the School's Data Protection Officer:

MaryAnn Davison
St Anne's Primary School
Denton
M34 3DY
dpo@st-annes-denton.tameside.sch.uk

11. Approvals and sign offs

This policy came into effect on 25 May 2018.

Document Control	
Approved By	Kirsty Rimmer Headteacher
Date approved	23.09.20
Approved by	Brenda Moxon Chair – Board of Governors
Date approved	23.09.20
	MaryAnn Davison Data Protection Officer
Next review date	May 2022

The Chair of the Board of Governors is responsible for initiating the review.

MaryAnn Davison
GDPR for Schools